Zone of Silence, II—*The Observer*

THE Nation

*July 8, 1950*

# Gamble in Korea

AN EDITORIAL

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# Mr. Truman Takes Over

BY WILLARD SHELTON

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# Storm Over Africa

BY J. ALVAREZ DEL VAYO

*

# Searches and Skulduggery

BY OSMOND K. FRAENKEL

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THE Nation

AMERICA'S LEADING LIBERAL WEEKLY SINCE 1865

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# The Shape of Things

DETAILED REPORTS FROM NORTH CAROLINA reduce to an absurdity the contention that Frank P. Graham's defeat was a repudiation of the Fair Deal. Dr. Graham's departure from the Senate will be a severe loss both to that body and to the Truman Administration, but the Fair Deal has extremely little to do with it. Graham won the first of the two Democratic senatorial primaries by a healthy plurality of 53,000 votes, missing an outright majority by less than 6,000. In that campaign the race issue played a comparatively small part, the emphasis having been on Graham's alleged radicalism. When his chief opponent, the ultra-conservative Willis Smith, demanded a runoff, the tactics of both candidates underwent a disastrous shift. This time Smith devoted his campaign almost exclusively to the exploitation of racial antagonisms. Graham was portrayed as favoring "intermingling of the races." Fraudulent postcards purporting to come from a non-existent "National Society [*sic*] for the Advancement of Colored People" and signed "W. Wite" urged Graham's election and were widely distributed through the state. Graham himself has been chided in some liberal quarters for having gone over to the defensive, stressing his own opposition to the Brannan Plan, FEPC, and compulsory health insurance. Whether or not the criticism is warranted, it is obvious that the Democrats of North Carolina were not voting on the Fair Deal. They were voting out of old fears and prejudices dredged up by an unscrupulous and well-financed corporation lawyer. Smith, like Talmadge in Georgia, raised the cry of "bloc voting" against the Negroes of his state. It helped him this time, but he must surely know that the time for this cynical appeal is running out. Negroes, along with all enemies of prejudice, will vote en bloc as long as there are Smiths to make them a mass target. And the "bloc" is getting bigger year by year.

*

SENATOR TYDINGS AND THE DEMOCRATIC majority of his Senate investigating committee have drawn strong protests from Republican Senators Hickenlooper and Lodge for voting to end inquiries into Senator McCarthy's charges against the State Department and to file at least an interim report. This reveals simply that Lodge has demoted himself to Hickenlooper's level. He hankers after leadership of the Republican Senate progressives, but he chose to stick to Hickenlooper rather than join Senator Margaret Chase Smith and six others in the "declaration of conscience" that repudiated McCarthyism. Lodge has had access to the evidence proving McCarthy a brazen demagogue who never lets exposure of false "facts" stop his repetition of them and a political slanderer unmatched in our recent history. He must know that Assistant Counsel Robert Morris, McCarthy's and Senator Wherry's man on the committee staff, has leaked information to McCarthy for his hit-and-run speeches, yet he has shown no public annoyance at this disrespect to his committee. The committee has had plenty of time to examine files, to reinvestigate the *Amerasia* case, and to harass and bedevil people who have been scrutinized and cleared repeatedly. If McCarthy, Wherry, and Hickenlooper had their way, the committee hearings would be extended at least until Election Day, but the country deserves a rest. It is obvious that the committee's report will be divided along political lines; so the best service the Democratic majority can perform is to make their own statement as accurate, fair, and forthright as possible, leaving Lodge stuck with McCarthyism if that is a position on which he cares to stake his reputation.

*

THE AMERICAN MEDICAL ASSOCIATION HAS announced that it is going to throw $1,100,000 this fall into an advertising campaign designed to defeat the Administration's program for compulsory national health insurance. Elaborating on the project last week for the benefit of members of the A. M. A.'s policy making House of Delegates, Dr. Elmer Lee Henderson, incoming president, made the Korean crisis seem like small potatoes. In Dr. Henderson's opinion, it is not Korea at all but American medicine that is "the blazing focal point" of the "fundamental struggle" to determine "whether America remains free." A great deal more of the same sort of nonsense is going to be washing over us all during the critical pre-election week of October 8, when the A. M. A.'s public-relations counselors will "crystallize public opinion" against "socialized medicine" through five-column advertisements in 11,000 newspapers, full-page advertisements in thirty national magazines, and countless spot announcements from some

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## • IN THIS ISSUE •

EDITORIALS
The Shape of Things 21
Gamble in Korea
I. World Strategy and the U. N. 23
II. The Washington Front 25

ARTICLES
Sham Battle in the Commons *by Keith Hutchison* 26
Mr. Truman Takes Over *by Willard Shelton* 27
Who's Who? *by Brandel* 28
Storm Over Africa *by J. Alvarez del Vayo* 29
Searches and Skulduggery *by Osmond K. Fraenkel* 32
Population and Politics *by Carey McWilliams* 35
Beside the Point *by Margaret Marshall and Robert Bendiner* 36
Yugoslavia Reappraised: I. Tito Turns West *by Alexander Werth* 37
Dangerous Thoughts: Zone of Silence, II *by The Observer* 39

BOOKS AND THE ARTS
Henry James and the Play *by F. W. Dupee* 40
Cloister. *A poem by Isabel Wilner* 41
Through a Glass, Darkly *by Ernest Jones* 42
Schoenberg's "Philosophy" *by Harold Brown* 43
Out of New England *by Howard Doughty, Jr.* 43
Books in Brief 44
Drama *by Margaret Marshall* 44
Records *by B. H. Haggin* 45

LETTERS TO THE EDITORS 46

CROSSWORD PUZZLE NO. 369 *by Frank W. Lewis* 47

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300 radio stations. Medicine and politics are now bedfellows—a fact confirmed by A. M. A. chieftains themselves, who boast of the effectiveness of doctors, druggists, dentists, and the like in soliciting votes against Claude Pepper during the recent Florida senatorial primaries (see page 36). Thousands of politically independent doctors—and hundreds of thousands of patients—must agree with Dr. James Stevens Simmons, dean of the Harvard School of Public Health, who could not persuade the House of Delegates to turn from "confusion, petty controversy, and political bickering" to serious, constructive consideration of a program to strengthen our medical defenses.

*

IN ADDITION TO ITS OTHER ECONOMIC WOES Israel has had to give unemployment relief to thousands of Arab workers, idle since the closing early in 1948 of the huge British-owned oil refinery at Haifa. The workers, ironically enough, could blame their plight on the stubborn refusal of their "brothers" in Iraq and Egypt to allow crude oil to be delivered by overland pipelines or by tanker through the Suez Canal. This blockade has hurt Israel, to be sure, but its effects on the oil-producing blockaders—much of whose revenues come from oil royalties—have been almost equally unpleasant. So serious has Iraq's financial situation become in recent months that Britain has had to advance funds to keep the government going. Israel, for its part, has been in the intolerable position of having to import expensive refined-petroleum products while the Haifa plant lay idle for lack of raw material. Last week, after protracted negotiations, this ridiculous impasse was broken. The Anglo-Iranian Oil Company, owner of the refinery, has agreed to ship one million tons of crude oil annually to Haifa, the oil to come by sea from a "secret" source via the Mediterranean, thus bypassing the Suez Canal. As a result, Israel will save at least $3,000,000 a year. The British also stand to gain economically by breaking the blockade. Apparently, Britain is tired of underwriting the cost of the economic warfare conducted by the Arabs since their defeat in battle. The "unity" of the Arab League, already badly undermined by Abdullah's negotiations for peace, cannot withstand many more shocks.

*

THE IDAHO SUPREME COURT HAS VOIDED the absurd and monstrous sentence imposed on four young Indians for carrying off a sheep which was worth twelve dollars and which was returned unharmed to its owner. It now seems likely that the case will be dropped. The boys had picked up the sheep on the highway during a joy ride—part of the joy was alcoholic—when they were celebrating the birth of a son to one of the four. They were arrested the next day without warrant and advised to plead guilty if they wished to be dealt with

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leniently—and then were sentenced to from one to fourteen years under a statute going back to frontier days which makes the theft of a domestic animal grand larceny. The Supreme Court reversed the verdict on the ground that the boys were not properly advised on their legal rights. As the Association on American Indian Affairs pointed out in its able *amicus curiae* brief, the courts should be especially solicitous about the rights of defendants who, like the four Indians, are immature, uneducated, unfamiliar with legal process, and subject to legal restraints and disabilities by reason of their color or race. No such solicitude was exercised in this instance. The judge who sentenced the boys has defended his action by saying that they would have been eligible for parole in a year, but even one year is savage punishment for "theft" of a sort that college boys commit with impunity all the time. The case of the four Indians, which has fortunately ended happily, will have served a good purpose if it causes state authorities in Idaho and elsewhere to be more mindful of their responsibilities—and to reexamine archaic statutes.

✶

IN THE PENDING SOCIAL-SECURITY BILL, DUE to go before a Senate-House conference committee next week, there is a "sleeper" amendment which must be knocked out. Sponsored by Senator Knowland, the amendment would in effect permit state administrators, notoriously susceptible to local pressure, to deny unemployment compensation to men thrown out of work by an industrial dispute, even though the workers seeking insurance payments were not themselves on strike but were victims of a fight in which they were not directly engaged. Such an act by a state is prohibited under existing law and punishable by the cutting off of federal funds. It would remain a violation under the new law, but the power of the federal government to invoke the penalty would be ended. This is a strike-breaking proposal put forward by employers' groups. It would set a precedent for future action aimed at the destruction of the federal controls by which administration of the social-security program is kept to certain basic standards.

✶

ACTING ON THE RECOMMENDATION OF THE Committee on Privilege and Tenure of the Academic Senate and the suggestion of President Robert Gordon Sproul, the Regents of the University of California have voted unanimously—with Governor Earl Warren in attendance—to fire 157 teaching assistants and other employees who refused to sign contracts of employment containing a disavowal of communism. Having acquiesced in the political test of competence, the faculty committee now finds itself in the position of recommending the ouster of subordinates who have shown greater courage than its own in defending the principle of academic freedom. Although ready to defend tenure privileges, the faculty is apparently unwilling to defend this larger principle. By its latest action the university, of course, has only become more thoroughly mired in an impossible situation. It seems inevitable that a demand will arise for the resignation of President Sproul, whose weak and vacillating attitude has contributed so largely to the Berkeley débâcle.

# *Gamble in Korea*

## I. World Strategy and the U. N.

LAST week's decision by the Security Council to use military sanctions against North Korea has already been shoved into the past by crowding events. Even before the vote was taken on the evening of June 27 American ships and planes were on their way to support the troops of the Korean Republic, and General MacArthur had been ordered to send surplus arms from Japan. If the United States jumped the gun by a few hours, it did so under the modest legal cover provided by the resolution of the twenty-fifth calling on member nations to furnish such assistance as might be necessary to repel the attack by the North Korean forces. In any case the Security Council hastened to back the American initiative by the vote of all members except Yugoslavia, Egypt, and India. (Russia, boycotting the Council, maintains the vote was without legal effect.) India's approval came through two days later. By that time the United States had again pushed ahead of its announced intentions. American ground troops were on the way to Korea, and MacArthur had ordered bombing raids on military installations above the Thirty-eighth Parallel. What had begun as a limited intervention to provide "cover and support" and some light weapons to the South Koreans had settled down within a few days into a tough defensive grind that offered little hope of an early end.

The evidence of aggression was unanswerable. Border raids by both sides had been reported time and again, and threats had been made by both governments, but when the Northern army rolled south on June 24, it was a full-scale invasion, well planned and deliberate. That the preparations for the attack had not been discovered and reported earlier by the Central Intelligence Agency is a scandal. The United Nations Commission on Korea did no better. It was not until June 26 that the U. N. Commission sent its first reports verifying the invasion and summarizing the events leading up to it. But when the facts were finally in, they left no room for doubt about the reality of the aggression. The decision of the Council in these circumstances was justified. To have refused to act would have encouraged similar thrusts wherever a military and political soft spot existed.

At the same time it must be recognized that milder

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measures would most certainly have been applied if the Korean affair were not the first hot battle in the cold war. No military sanctions were voted against the five Arab nations that invaded Palestine in 1948 in an effort to overturn by force the partition plan adopted by the General Assembly. Nor were planes and troops sent to fight the Dutch when they defied the U. N. cease-fire order in Indonesia; a mediation commission was sent instead. If North Korea were not a Soviet satellite acting in compliance with Moscow's policy if not under its direct orders, the attack on the southern republic might have been dealt with along the lines suggested by Yugoslavia. The Yugoslav delegate urged a new demand that hostilities be halted and forces withdrawn, accompanied by a proposal to both sides that they accept mediation with the help of the Security Council. It was because the North Korean aggression was regarded as essentially a Russian challenge to the United States that strong action was taken by Washington and urged upon the Security Council by the American delegation.

NONE of this, of course, is voiced officially in Washington or at Lake Success. In the official version North Korea acted on its own. When sanctions were invoked, the Russians were politely invited to use their influence to induce the North Koreans to withdraw. The Russians less politely refused, repeating their charge that the Korean Republic was the aggressor and the United States was giving armed aid to an unprovoked attack. But the fiction that the conflict is strictly one between Koreans permits the latitude for retreat or compromise which is all that stands in the way of a general war. Having acknowledged no more than a platonic interest in the fight, Moscow can wash its hands of the whole affair if things go badly, or counsel the Northern forces to draw back, without losing too much face. Although its denunciations against the United States are mounting, it has made no threats and has indicated through the satellite press that it is opposed to intervention in any country's affairs. Since Russia almost certainly regards the Korean war as a test rather than an essential conquest, the way is likely to be kept open for a strategic retreat.

By taking a bold stand the United States has undoubtedly gained new prestige among the Western powers. For the first time they have been given concrete reason to believe that we can be counted upon for action as well as dollars and guns. Even if the Korean war settles down into a long and costly slugging match, as seems more likely every day, we shall at least be credited in Europe with a willingness to risk American lives in defense of a country for which we have assumed responsibility. In the light of this, earlier errors of policy and administration in the East are apt to be minimized, at least by the governments themselves.

But we cannot expect the same sort of appreciation in Asia, even from the non-Communist countries. The Asian peoples, by and large, are less hostile to communism than they are to imperialism—and to them imperialism means Western intervention and control. It is not enough to explain that we are trying to save Korea from foreign domination of a particularly ruthless sort. They have little reason to be interested in such distinctions. What they know is that when the United States occupied South Korea, the American authorities installed a tough, reactionary clique in power and permitted it to use the Japanese-trained police to terrorize the people. Nor will it help our position in Asia that our most active collaborators in the Korean fight are the Western colonial nations. Already we have evidence in the United Nations that many Asians are seriously disturbed by President Truman's statement on Indo-China and Formosa. Bao Dai has no credit in the other Asian countries; and even those that have withheld recognition from Ho Chi Minh look upon the war in Indo-China as primarily a French colonial war. As for Formosa, it is considered a part of China whose fate is tied to the outcome of the Chinese civil war; its "freezing" by an American fleet is likely to be regarded with suspicion, especially in view of Mr. Truman's comment that its final disposition must await a peace treaty with Japan.

IF THIS country hopes to play the role of liberator in Asia, it will have to tie its intervention in Korea to a far more drastic and revolutionary policy than it has pursued in the past. And it will have to do it now, while the fighting is on. Whatever may have been our reasons for leaving Korea almost unarmed and burdened with a corrupt, unpopular regime, the result was to invite the aggression that has now taken place. Apparently we did not then intend to defend the republic or seriously expect it to defend itself. When the blow fell, the government, still headed by the crafty old reactionary, Syngman Rhee, made bold speeches about the ability of the army to drive back the invaders once it was given proper arms and air support. But late dispatches suggest that the South Korean soldier, like the Chinese Nationalist soldier, does not want to fight, perhaps because he has relatively little to fight for. The southern troops doubtless know that shortly before the invasion began, the Communist regime sent emissaries to Seoul to negotiate a peaceful union of north and south; the emissaries were promptly put in jail. It was easy for the Seoul government to say that any union offered by the Northern authorities would be on terms assuring Communist control. That is a fact not to be doubted. But it is a fact that, to the ordinary Korean, would look less alarming than a long-drawn-out war with little hope of either union or freedom at its end.

The only way to "sell" the American-U. N. inter-

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vention in Korea to the peoples of Asia is to offer now the concrete pledge of national freedom and basic economic reform. This means Indo-China and Malaya, as well as Korea and Formosa and the Philippines. To do less would be to sacrifice all the credit we may have won by reacting sharply and with firmness to Russia's prod. To do less means the end of the United Nations as an instrument of international justice.

## II. The Washington Front

A DEVELOPMENT of such sweeping proportions could hardly fail to leave its mark on the course of American politics. With the first word of the President's decision to act came the temporary closing of ranks that characterizes the country in moments of grave crisis. The House of Representatives rose to its feet and cheered when Majority Leader John W. McCormack finished reading the announcement that American air and sea power would be used against the invading North Koreans. And in the Senate approval of the move was expressed by Republicans in a political span from Margaret Smith, of Maine, to Joseph McCarthy of Wisconsin, while Eisenhower and Dewey added their blessings from afar. But when the smoke had cleared, Republican leaders were obviously left wondering what would become of two of their biggest campaign issues: that the Administration was "soft" on Communists and that, because of this indulgence, it was handing all Asia to the Russians without a struggle.

The first tendency of the professional critics of the Administration was to question the constitutionality of the President's move. Senator Kem, of Missouri, asked whether "he has arrogated to himself the authority of declaring war." And Watkins, of Utah, wanted to know why he hadn't consulted Congress before ordering armed units into action. Only later in the day did Malone, of Nevada, rise to expand the area of attack. The Administration had failed, he charged, to declare in advance which areas of the earth were so vital to our security that we would defend them with arms. The irrepressible Wherry, of Nebraska, demanded that we "Stand up and do something to stop these Commies." But it was he and his party that last fall killed a bill to provide arms for South Korea. And subsequently he voted against even giving that nation economic assistance. "Operation Rathole" was the way the G. O. P. expressed itself on the subject of Korea.

But it was left to Senator Taft to lay down the first major line of attack, and a baffling line it turns out to be. First and foremost, Acheson has been repudiated and must resign. The facts concerning this alleged "reversal" of the Secretary of State, who has long been the chief target of the Republicans, are set forth in Willard Shelton's dispatch elsewhere in this issue. As Mr. Shelton demonstrates, if anyone was reversed, at least so far as Korea is concerned, it was Secretary of Defense Johnson. Along with the military men in general, he was ready to write off Korea on the ground that there was no military point in maintaining armed strength at a point hemmed in by Communist Manchuria, China, and the Soviet Union. But to salvage anything at all from the Republican position built up over the past year it was essential to puff up the myth about Acheson's failures.

Basically this argument is that when we "abandoned" Chiang Kai Shek—that is, we and a few hundred million Chinese—we served notice on the Russians that we did not care about Korea either. Presumably what we should have done was to pour arms into a doomed cause, and later to fortify both Korea and Formosa. It is perfectly true that Senator Connally, voicing Administration sentiment a few weeks ago, sarcastically asked his Republican opponents, mostly isolationist, "how many American boys they would send to Formosa to bleed and to die and to be buried in the jungle soil 7,000 miles away." But the fact is that our current "reversal" on Formosa was not an integral part of the move to save South Korea. On the contrary, it is precisely with respect to Formosa that the President's action is open to question, as we have suggested above. The Republicans themselves are at odds on the matter, however. It is Taft's colleague Wherry who now asks by what authority we are establishing a quarantine around Formosa, since we had no directive to do so from the Security Council.

From these feeble and contradictory responses—Taft concluded his belligerent statement by "welcoming" the action whose very legality he had just questioned—it is clear that the Republicans are in sore trouble. Their completely negative approach to the problems of the country, their fierce concentration on communism and the fate of Chiang Kai Shek, have left them in a painful position. If the Administration's action should serve to exemplify the advantage of firmness without war, the Republicans' chances will be greatly weakened; should it lead to war, they will have almost no chance at all. In the meantime, McCarthyism will have a hollow sound when applied to the government that stood up to the Russians. When applied to the rest of the population, it might be more deadly than ever, except for one inescapable factor: many top Republicans are now following a line almost indistinguishable from that of the Communists. The *Daily Worker* agrees fully with the Chicago *Tribune's* contention that the President's statement "is an illegal declaration of war." And like Taft, Marcantonio is worried that "the power of Congress to declare war has been usurped from us." A McCarthy could make much of that—but he won't.

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# *Sham Battle in the Commons*

BY KEITH HUTCHISON

*London, June 28*

THE two-day debate in the Commons which ended last night in a government victory attracted a bumper attendance, although, as the *Times* remarked, the temperature of the party strife was reduced by the gravity of the Korean crisis. It was in fact curious to see the House swing back and forth from shared anxieties as the Premier interpolated statements on the Far Eastern situation to a rather unconvincing display of political infighting.

Inevitably most opposition speakers indulged in hair-splitting, for apart from a few stalwart back-bench World Federalists they could not sincerely attack the government's stand on the Schuman Plan. After criticizing the tactics and manners of the Labor Ministers, in the end Churchill and others were forced to admit that had they been in office they would not have acted very differently. The onlooker, therefore, could only agree with the Labor veteran Arthur Greenwood that the opposition was indulging in "play-acting."

Two motives seem to have inspired Churchill and his colleagues to press a motion calling on the government to participate in Schuman Plan negotiations subject to the same reservations as those made by the Netherlands—a motion Attlee treated as one of no confidence. In the first place, it was an opportunity for joint Liberal-Tory action and thus might help cement the close alliance between those parties that Churchill is so anxious to secure. It is doubtful, however, whether much progress was made toward this objective. The Liberal splinter was split as usual, with three of the nine members failing to vote. Moreover, when Clement Davies, Liberal leader, rose to support the motion, nearly half the Tories left the chamber. They were probably seeking an escape from boredom, for Davies is a dull speaker, but it was a display of bad manners that can hardly endear them to possible allies.

The second reason prompting the Tory move was a desire to take advantage of the opening provided by the Labor Party's rather clumsy handling of its European-unity statement, about which I wrote a fortnight ago. But the terms of the motion did not in fact provide a very good opening for discussing this pamphlet, even if the government could have been held responsible to Parliament for a broad statement of party policy. In any case the Labor spokesmen succeeded in confining their opponents to the main issues: Should the government have taken the risk of entering the negotiations on the basis insisted upon by the French? Should it have agreed in principle to turn over control of Britain's most vital economic resources to an authority that Attlee described as "utterly undemocratic and responsible to nobody"?

Eden, who opened the case for the opposition, declared that Britain should have joined in the Paris talks while reserving the right to withdraw if "unsatisfied as to conditions and safeguards." But this argument begged the question, for the whole difficulty between France and Britain had arisen precisely because Schuman had insisted that the main elements of his plan must be accepted in advance and that only the details should be filled in by negotiation.

In an extremely lucid exposition of the British government's case Cripps carefully avoided treading on French toes. He stressed the warmest sympathy for the objectives of the Schuman Plan and declared the government fully appreciated the fact that the French did not want to negotiate principles on which they had reached an agreement with the Germans, since that might upset the all-important initial Franco-German understanding. On the other hand, it would have been "most undesirable to evade the declaration of unity of objective which the French desired" by the kind of formula adopted by the Netherlands, even if the French government were prepared to agree. It was much better to state Britain's difficulties candidly than to be put in a position "in which we might have been accused at a later date either of going back on a promise or of wrecking the negotiations by our refusal to agree to the principles on which they had been launched."

The Tory reply as expounded by Churchill was that while the objections of the government to a supra-national authority were valid, they could properly have been made in the course of the negotiations. But this argument again evaded the point that the scope of the negotiations was limited by the French insistence on prior acceptance of the principles. The opposition leader tried to show that this "pedantic insistence of the French" could be reasonably explained by their suspicion that the Labor government was hostile to the whole idea of European integration and would do its best to kill it unless its hands were tied in advance—an argument which drew rebuke from Attlee, who accused Churchill of seeking to create bad blood between the British and French governments.

One point raised by the opposition was perhaps important—the danger that with Britain remaining outside, the Schuman Plan might develop into a Franco-German partnership likely in time to be dominated by the Germans. Churchill said: "The absence of Britain

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deranges the balance of Europe. I am for reconciliation between France and Germany and for receiving Germany back into the European family, but this implies that Britain and France should in the main act together so as to be on even terms with Germany, which is so much stronger than France alone." Admittedly that is an uncomfortable possibility, and many of those who helped provide the government's majority last night are hoping it will not lose sight of the importance of putting forward constructive proposals for reaching Schuman's advertised goals—elimination of the causes of Franco-German friction and laying the foundations for economic progress in Europe—by a politically and economically more profitable route.

# *Mr. Truman Takes Over*

BY WILLARD SHELTON

*Washington, June 30*

AFTER five days of American military action in Korea the extent of our commitment became known when General MacArthur was ordered to throw in ground troops and to bomb the Korean supply bases north of the Thirty-eighth Parallel. Popular excitement and what seemed almost a sense of relief at the President's bold strokes were accompanied by a sober realization of the danger of Soviet-American war, in all but name, on at least a limited front and in an area strategically unfavorable to the United States. Yet Mr. Truman, securely in control of events on the United States side and sustained by evidence of widespread support, was speaking softly in relation to Russia, even while he and his aides made it clear that every instrument of battle, including tanks and men, would be used to defend the South Korean government.

It is possible now to piece together the pattern of decisions which led to the President's bold challenge to Soviet pressure and his determination that if the United Nations were to be flouted and undermined, it should not be because the United States refused to take a clear-cut stand against armed attack on a country created and guaranteed by the United Nations.

It was Truman, as President and Commander in Chief, who made the crucial decision to use American forces against the "bunch of bandits" from North Korea; it was Truman who suddenly gave the United Nations the "police force" it had been unable to build; it was Truman who with one fateful stroke produced an American policy which will powerfully affect the position of the Western powers in relation to the nationalistic aspirations of tens of millions of Asiatics.

Reports that MacArthur provoked action by sending something like an "ultimatum" that unless we helped South Korea to resist he would return home and blast Administration policies can be disregarded. Mr. Truman is well aware that he is President, and it is not in his character to accept "ultimatums" from subordinates. The orders went to MacArthur from Truman, and the formal instructions were given in a telecommunication conference beginning at 10:17 p. m. Monday, June 26. There is evidence, however, that the President had made up his own mind to act on Sunday, when at Secretary Acheson's request he returned from what he had thought would be a quiet week-end at Independence. The "staff work" by the State and Defense departments, Acheson told a press conference, had been quickly and wholeheartedly accomplished by the time instructions went to Tokyo. Such speed and unanimity are plausible only on the assumption that the policy decisions had been made earlier, and that the "staff work" was a study of what could be done to implement the decisions.

It is known that on Sunday the State Department drafted a note, couched in friendly terms, asking the Russians to unite with us in demanding a cease-fire in Korea. That note was never delivered. The President returned, and the message which went to the Soviets two days later was a notification that American power was engaged and a request that the Russians call the North Koreans back above the Thirty-eighth Parallel.

Mr. Truman's advisers, in advance of the Korean explosion, had of course not been unanimous in their recommendations concerning American policy in Asia. They *became* unanimous once the blow had fallen and the President had decided to act.

For at least six months the Pentagon high brass had wanted to write off South Korea as "indefensible," while yearning to use the navy and air force to protect Formosa. The Department of State, on the other hand, had persuaded Mr. Truman to write off Formosa, and as soon as the invasion started, Acheson insisted on the political importance of defending the Korean area labeled indefensible by the generals.

The catalyst for the new Truman Doctrine, which draws a line beyond which Soviet-sponsored pressure will not be tolerated in the Far East, was the nature of the attack on South Korea. If the people of South Korea had risen spontaneously against Syngman Rhee's regime, there is reason to believe the American forces would not have been sent into action.

The Russian press, later echoed by official Soviet state-

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ments, claimed that Syngman Rhee started the fight by striking at the north. This is nonsense, and the Soviets know it. Rhee had made truculent statements, and the Department of State has confirmed the report that he proposed, several weeks ago, to invade the north and that the project was vetoed by the United States. Soviet recriminations cannot conceal the fact that the guns, planes, and tanks first engaged in Korea were the guns, planes and tanks, of the Northerners, moving southward in a succession of well-mounted drives.

Though Senator Taft demands Acheson's resignation on the ground that his policies were "reversed," the fact is that Acheson rather than Secretary of Defense Johnson contributed most substantially to the President's decisions. The Republican-Pentagon doctrine on Formosa, if it can be so labeled, was that the island should be held as an American base; the Republicans made the more sweeping demand that Chiang Kai-shek's discredited government should be aided in an attempted reconquest of the mainland. This is not the commitment we have made.

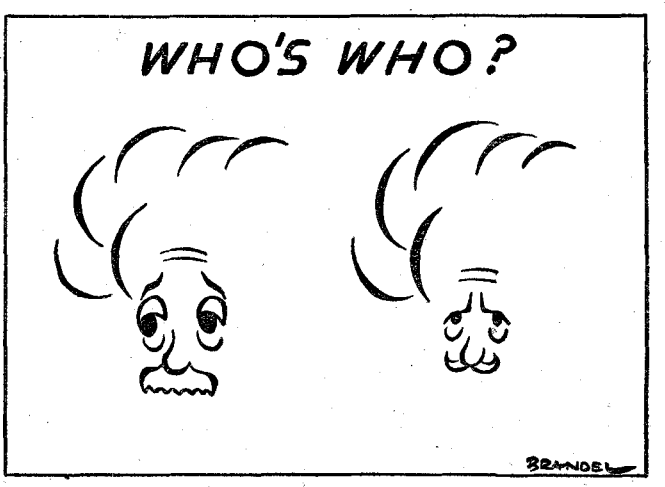
On the contrary, the President imposed a cease-fire order in the Formosa Straits against the Nationalists as well as the Chinese Reds, and bluntly warned, "The Seventh Fleet will see that this is done." Nationalist murmurings both in Formosa and at Lake Success reveal their unhappiness, but American warplanes flew over Formosa yesterday in a demonstration of power. What to do about Formosa eventually is a difficult problem, but the effect of the Truman Doctrine is to purchase time for wise decision, not to "reverse" Acheson.

Events have altered Acheson's belief of last January that the United States could not profitably undertake military intervention in Southeast Asia, but Acheson is right if he maintains that military action alone is futile. Mr. Truman's previous limited commitment to help block the conquest of Vietnam by the guerrilla forces of Ho Chi Minh gains greater emphasis by restatement in connection with the Korean events. The real question is whether the President recognizes that this policy will not work if it merely underwrites the desire of the French to remain in Indo-China as overlords. France will have to yield genuine power to a Vietnamese regime before stability can be restored in Indo-China. Here, too, we have purchased time for long-range decisions.

Just as President Roosevelt in 1937 saw the importance of a "quarantine the aggressor" policy, so Mr. Truman and his aides believed that neither peace, nor American security, nor the stability of the U. N. could be bought by refusing to face the fact that what happened in Korea was naked aggression. The worried people in the State Department, before the President's decisions were passed down the ranks, wondered whether Korea was to be Russia's "Rhineland," recalling Hitler's first great diplomatic victory, when German troops crossed the Rhine unopposed, or the "Ethiopia" which would wreck the U. N. as Mussolini's defiance wrecked the League of Nations. They frankly hoped it would be our "Poland"—the attack which we would not swallow—because they feared that inaction on our part would persuade large sections of Asia that United States and United Nations guaranties were meaningless. They recognized, too, that for practical purposes the only question was what the United States would do, since the U. N. had no forces except those that Mr. Truman assigned to the task, plus such others as might join with the United States, as they are now doing.

The President has tried to give the Soviet Union a way out if Moscow, in fact, wants to avoid full-scale war. In his press conference yesterday Mr. Truman emphasized that he made no accusations against Russia; he did not charge that Moscow had urged on the North Koreans. A day earlier Mr. Acheson had insisted even more specifically that he would not be drawn into discussions of Russia—that the new Truman Doctrine was designed to meet situations created by the North Koreans, the Chinese Communists, and the Indo-Chinese Communists.

Knowing that our military officials considered South Korea "indefensible," the Soviets may have been misled into a course of action which they did not expect us to resist so violently. But when we struck back we did so on a precisely limited basis; we threw down no general challenge, either in the resolutions we proposed in the U. N. Security Council or in the statements of our responsible leaders in Washington. All that is needed to forestall any immediate danger of general war is for the Russians to allow the North Koreans, as ordered by the Security Council, to withdraw, and for the United States then to make it clear that we have no intention of supporting retaliatory expansionist moves by Syngman Rhee but will stop—as promised—at the line approved by the U. N.




[*For answer see page 30*]

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# Storm Over Africa

BY J. ALVAREZ DEL VAYO

*Paris, June 27*

A LONG time ago when I was in Moscow I saw the preview of Pudovkin's fine film "Storm Over Asia." At that time I was writing a book on the theater, ballet, and moving picture in the Soviet Union and was frequently in contact with the great *régisseurs* Eisenstein and Pudovkin. The ideological and moral revolution of Sun Yat-sen had burst into flame in China, but not much importance was attached to it except by the Russians, who were convinced it would be followed by a mighty uprising of the multitudes in the East.

The scene is now being set for another revolution, which might well be filmed under the title "Storm Over Africa." The Dark Continent is seething, and history has shown that once the dikes which hold back the longing of the masses for freedom and independence are breached, the flood rushes over the land.

The unrest has increased in recent months. A few days ago General Juin, French resident general in Morocco, went to Paris to sound the alarm. Little attention was paid to Abd el Krim, the old Riff rebel chief, when he announced from Cairo that "twenty-five million Arabs in Morocco, Algeria, and Tunisia were ready to stage the greatest fight of their lives for independence," but General Juin's confidential word-of-mouth report to his government that Abd el Krim's agents were increasingly active made an impression. The situation is the more difficult for France because in Spanish Morocco Abd el Krim can exploit the hatred of Franco that is uniting natives and Spaniards, and from Spanish Morocco the agitation can be extended to the French protectorate.

Industrial, social, and political changes are taking place more rapidly in some parts of Africa than in others, but their effect is felt throughout the continent and promises to be the outstanding development of the half-century that lies ahead. It is toward Africa that the industrial and financial leaders of all countries are turning their eyes today. In French Equatorial Africa the tempo of exploitation has been speeded up tremendously. Port Lamy, for example, the capital of a territory which until 1940 had never been explored, contained at that time possibly 30 French civilians. Now 1,500 Europeans are feverishly at work there. Brazzaville had a population of 1,500 Europeans and 30,000 Africans in 1944; today it has 4,500 Europeans and 80,000 Africans. In 1923 Dakar, the capital of French West Africa, covered about as much ground as a Paris suburb and contained 45,000 people, white and black. In 1950 Dakar is on the way to being a city greater in extent than Paris.

France and the other colonial powers are making every effort to compensate for the colonies and spheres of economic influence they have lost in the Near and Far East by developing their African possessions. Everywhere projects are multiplying for tapping the continent's resources. A ten-year plan for French Equatorial Africa is in full swing. French engineers are preparing to harness the rivers which flow through the Congo, and some day an enormous supply of electric power will be available for Brazzaville and Leopoldville.

The English are also not dawdling. They say, "Britain has built and lost two empires—in America and in India—but she has the prospect of building a third, in Africa, which will be the greatest of all." This is a potent stimulant for the colonizing spirit of a nation that produced Cecil Rhodes. The race is literally against time, for the very process of developing backward areas awakens ideas of independence and fair treatment in the minds of the masses working in the mines, on the roads and dams, and on the great plantations. Only disappointment is in store for colonizing Europeans who think that the primitive character of the social structure in this part of the world will exempt them from the historical evolution which is making it harder and harder for a few men to exploit the many.

It is true that in many parts of Africa the tribe is the only political entity and that law rests on tradition and is almost identical with custom, but it is also true that the ideas which inspired the liberation movement in Asia are penetrating Africa. Capitalism would like to guard this last frontier from the contagion of revolution, but it has itself introduced the germs. African youth are no longer molded exclusively by the tribal environment. They have gained a new conception of existence from their contact with European workers and techniques. Colonial administrators, in the interest of efficiency, have been compelled to concede a scant measure of social justice. Slave wages, however, are still paid, and political rights are narrowly limited.

During the past two years the Ivory Coast, Algeria, Tunisia, and Morocco have been shaken by strikes, rioting, and other incidents which have made the colonial authorities shiver. The usual explanation of the unrest is the old one: "It's all the fault of the Communists; they are stirring up the natives." But while the Communists are undoubtedly active in the Rassemblement Démocratique Africaine (R. D. A.), as the aggressive liberation movement is called, so are local chiefs and native leaders of all political shades, and even Catholic

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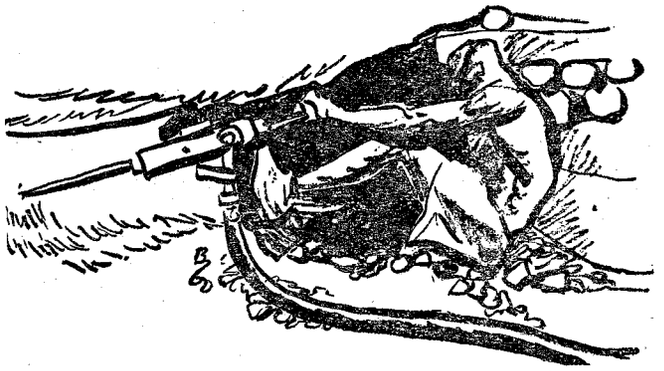

priests. The R. D. A. is still in the happy stage of a "people's front," placing the common goal above narrow partisan aims. Its propaganda emphasizes none of the "fatal issues" which divide the Communist parties of Western Europe. It speaks only for Africa, for the millions of men and women who are worked or starved to death to perpetuate an anachronistic colonial system.

Some of the most active and influential members of the R. D. A. are women. One is Margot Sacoum, who organized a buyers' strike to demonstrate the widespread sympathy for the Africans arrested after the political disturbances on the Ivory Coast. Another is Anne-Marie Raggi, who helped organize an impressive demonstration at Bassam, demanding that the promises of the U. N. be kept. Among the men, Felix Houphouet, Gabriel d'Arboussier, and Onezin Coulibaly are able and popular "national" leaders. Through their efforts tribes scattered over the immensity of French Africa, traditional rivals and enemies, have developed a sense of solidarity and an ability to act together. Intelligent European observers know that it is dangerous to attribute each new manifestation of unrest to "extremists."

I WENT to Monaco in April—just as the coronation of the new prince was being celebrated—for a meeting of the Committee on Non-autonomous Territories of the Inter-parliamentary Union, in which I represent the Spanish Republic in Exile. Thanks to its progressive president, Lord Stansgate, and its able secretary general, M. Leopold Boissier, the Union has conquered a tendency to become merely an amiable debating society and concerns itself with controversial political questions. The situation in non-autonomous territories will also be on the agenda of the annual meeting of the whole Union, which opens in Dublin on September 8, and which I hope to attend; we Spanish have the problem of Morocco. At Monaco a majority of the committee were reluctant to touch the thorny question of Africa, but M. Marius Moutet, formerly French Minister for Colonies—a moderate French Socialist, not a radical—presented a minority report demanding that the United Nations fulfil its promises, and this will be discussed at the Dublin meeting.

The position on dependent territories expressed in the Charter represented an advance over the situation that prevailed before the war but a retreat from the repeated declarations of President Roosevelt during the war and from the promises made in some of the wartime conferences, especially at Yalta. The Charter, nevertheless, aroused great hopes among the native inhabitants of Africa. And incredible as it may sound to those who are skeptical about the influence of the United Nations, every word spoken at Lake Success on colonial problems has echoes in Africa. Just lately the tribes of Ewé in the British Gold Coast and the two Togolands asked Secretary General Trygve Lie to direct the attention of the next Assembly to their demands.

The principle of "international trusteeship" led to the establishment of the Trusteeship Council, to which the colonial powers should give an accounting of conditions in the territories they held in "trust." But to appease those powers the principle was hedged around with so many limitations that it became immediately applicable only to about 15,000,000 inhabitants of areas like the Togolands and the Cameroons which were held under mandates from the old League of Nations. The colonial group, which had feared that the United States and Russia might join in demanding fulfilment of the promises made at Yalta, breathed freely again.

Nothing happened to disturb it in the General Assembly of 1946, which simply recommended that the colonial powers "convoke conferences of representatives of non-autonomous populations, chosen or preferably elected by the people in such a manner as to carry out the spirit of the Charter." Nothing happened in the Assembly of 1947, which escaped as best it could from the dilemma created by the Indian delegation's insistence on airing the scandalous situation in Southwest Africa. Nothing happened in the Assembly of 1948; the grievances of native peoples were forcefully presented in the Palais Chaillot but elicited only moral indignation and romantic generalities. Then in the Assembly of 1949 the question exploded, and the delegates adopted a series of categorical resolutions to prepare the ground for action in the Assembly of 1950. Discussion of colonial problems promises to be extremely lively at Flushing Meadow next September.

The voice which shook the Assembly of 1949 out of its indifference was that of Michael Scott, an Anglican clergyman from Johannesburg. Mr. Scott represented the native tribes in Southwest Africa, a former German colony mandated to the Union of South Africa by the League of Nations. Despite the protests of the colonial powers he was allowed to speak before the Fourth Committee of the U. N., and his statement was the sensation of the year. Ambassador Alexis, the Haitian delegate, said it was "the most terrible indictment ever drawn up against men who call themselves civilized."

[*Answer to Who's Who?: Einstein, Toscanini.*]

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Mr. Scott described the oppression of the 330,000 African tribesmen who are compelled to live on reservations or, in urban areas, in segregated locations and to work on the white man's farms or in his mines. As a source of cheap labor they are deliberately kept in their present miserable situation by a complex of laws among which the so-called "pass laws" are distinguished for their inhumanity; these force the blacks to stay where the white men find them most useful. Black workers do not even receive the treatment which intelligent farmers give their cattle to keep them alive and healthy. Authoritative health reports show that the infant-mortality rate among the natives is nowhere lower than 150 per 1,000, and in some districts is as high as 600 or 700 per 1,000. As for the old people, after a life of toil, they find that by reason of their poverty and the laws of the country they cannot lawfully set foot on a single square inch of their native land.

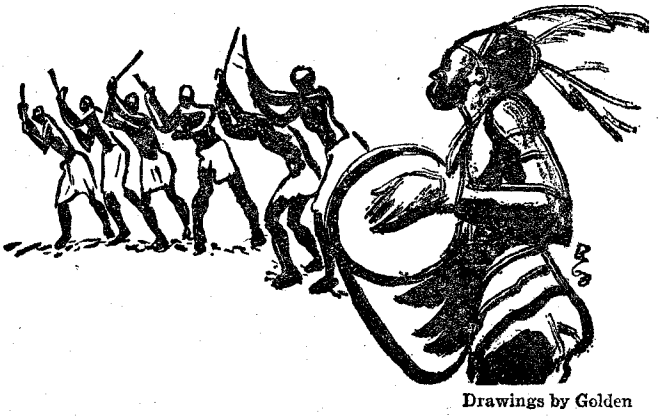
Since the Assembly of 1949 and since Michael Scott's appalling report, things in South Africa have only become worse. Fearful of mounting racial tension, the South African government has adopted a system of race segregation beside which all previous discriminatory measures pale. This policy, supported by a government which is loud in denouncing the totalitarian excesses behind the Iron Curtain, is called *apartheid*. Its purpose, in defiance of the United Nations Charter and of all that was said and decided last year at Lake Success, is to maintain white supremacy at all costs and to prevent the non-whites, who outnumber Europeans four to one, from ever gaining political control.

THE Assembly of 1949 not only gave a slap in the face to the colonial powers by permitting Mr. Scott to take the floor but passed from words to action. On November 9 it decided that Libya should become independent by 1952, and a few days later it adopted a resolution requiring the colonial powers to add to the statistics about education, social progress, and the like which usually filled their reports a detailed account of the way the dependent countries under their jurisdiction were governed. Since Holland had meanwhile granted independence to Indonesia it no longer felt obliged to align itself with the colonial powers. The opposition to the resolution was thus weakened, and the efforts of the inspired press of England, France, and Belgium to combat this new anti-colonial blast from Flushing Meadow were ineffective.

The British, French, and Belgians were now on the defensive. They accused the Russians of using the United Nations as a center of anti-colonial agitation, and the Americans of hypocrisy in ignoring the puppet regimes in Central America. To prove that their policy was becoming more enlightened, the British pointed to Nigeria, where a new constitution had just come into effect; to the Gold Coast, where in accordance with the constitution of 1946 a majority of seats on the Legislative Council were held by Africans; to Kenya and other colonial territories. The Belgians claimed to be proud of all they had done since 1946 in the Belgian Congo. (At Monaco, however, Senator Van Remoortel had presented a devastating exposé of conditions in the Congo.) The French thought it unjust to ignore their attempts to assure the participation of Africans in their colonial administration. And they accused the Americans of having "the principal black colony"—consisting of colored citizens within the United States.

The colonial policy of all three countries does in fact show two opposite trends—toward progress and toward reaction. In the struggle between those who are intelligently promoting a kind of New Deal in Africa and the obstinate defenders of the old regime the latter, unfortunately, have just won a victory by obtaining the dismissal of the able and liberal resident general of Tunisia, M. Jean Mons. Tunisia had become a test case. Events there were expected to show which view was to prevail—that of the "reformers" or that of the reactionaries. The reforms urged by M. Mons were moderate and realistic. The most important were (1) restoration of the Tunisian executive, (2) formation of a responsible government, (3) abolition of the general secretariat, civil controllers, and French gendarmerie, (4) institution of elected municipal administrations and of a National Assembly elected by universal suffrage. What was proposed, in short, was self-government in domestic affairs.

All the powerful private interests in Tunisia rose up against this plan like one man. For months they intrigued to discredit M. Mons and in the end demanded his head, just as similar interests campaigned against M. Labonne in Morocco a few years ago. I do not know M. Mons personally. But I had known Eric Labonne for a long time. He was the French minister to Mexico when I was ambassador there, and in 1938 he was the French ambassador in Barcelona when I was Foreign Minister of Spain. In Morocco M. Labonne tried to introduce a liberal policy, and if he had been listened to, France would be in a much better position in Africa



Drawings by Golden

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today. Labonne fell a victim to the old colonialist clique.

Jean Mons met the same fate. Not even the "determination" of the last Socialist Congress could save him, though it announced that if he were recalled it would reconsider its decision to support the Bidault Cabinet from outside the government. Forty-eight hours after the Socialist Congress closed, Mons was replaced by the candidate of the old colonialists, M. Perillier. He was struck down by such gentlemen as Edouard Daladier, the Prime Minister of Munich, and M. Quillici of the Gaullist party, who demanded his dismissal because he was "*trop humain*"—"too humane." Of course the first address of the new Resident General was most "progressive," and there were half-official announcements that reforms designed to meet the desires of the Tunisian people would begin to be put into effect before the end of June. But Foreign Minister Schuman has indicated that while the task of M. Perillier will be to lead Tunisia to independence, there will be some "necessary delays." M. Perillier may be represented by the Quai d'Orsay as a "reformer"; the Tunisians see him as a "policeman." Many persons I have talked to in Paris think that by appointing him the government may have lost its last opportunity to enter into peaceful collaboration with the African Moslems.

The situation in Algeria and French Morocco is no more encouraging. Algeria benefited in theory from the *Statut organique de l'Algérie* promulgated September 27, 1947, by President Vincent Auriol. Actually the statute was so defective and incoherent that it satisfied nobody. Moreover, its provisions concerning French citizenship came just as all French parties, from Gaullists to Communists, had condemned the old policy of assimilation and had pronounced themselves in favor of a federation of associated states. With all its defects, however, the statute represented some progress. It recognized the civil status and financial autonomy of the four Algerian *départements*, and by its regulations for the coming elections gave Algerians the feeling of being a free people. These elections were held in April, 1948, and by the next morning everyone was convinced they had been the purest farce. It was a Catholic deputy, a member of the M. R. P., who wrote to the Minister of the Interior: "The electors did not choose the deputies. The administration elected them by methods in which it had long been expert."

Events in Korea have confirmed the position I have always taken on the cold war. The Achilles heel of Western political strategy in that struggle has always been the failure to realize that you cannot fight for democracy in alliance with undemocratic forces and regimes. This was the mistake made in China—a mistake which ended in Communist victory. In Korea the attempt to check the Communist drive from the north is weakened and compromised from the start by America's alliance with the government serving reactionary landowners, money lenders, and war-time collaborationists. One of these days the experience will be repeated in Africa. "Realists" tend to think only in terms of bombs, guns, and bases, but it is the crucial issue of giving bread and land and social justice to the peoples of the earth which will in the end decide the cold war.

# *Searches and Skulduggery*

BY OSMOND K. FRAENKEL

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

THE meaning of this provision of the Bill of Rights should be so clear that it can stand firm and rock-like against sudden assault or the erosion of time. Yet in the present critical period for civil liberties the Supreme Court's shifting interpretations of the Fourth Amendment as it applies to searches incident to arrest have made its meaning dangerously uncertain.

To fulfil the search-and-seizure provision of the Constitution the federal courts bar evidence obtained illegally. In applying this rule they must determine the legality of particular searches. It is old doctrine that a search may properly be made even without warrant if it is incident to a lawful arrest and that things under "the immediate control" of the arrested person may be seized. No one doubts that an officer may search the person he arrests if only to make sure that he is not armed. What is questioned is the scope of this permissible "incidental" search: how far beyond the pockets and person may the officers go; may they search the desk at which the arrested person sat, the room, the building? And what may they search for? A search warrant must name the objects sought, and nothing else may be seized. In making a search incidental to an arrest may the officers seize material unrelated to the offense for which the arrest is made and

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use it as the basis for an entirely different charge? If so, then a search without warrant would seem to have greater scope than a search with warrant.

THE court's oscillations on these problems began in 1947 with the Harris case. Harris was suspected of scheming to pass forged checks. Police believed that search of his apartment would turn up canceled checks which he had stolen to use as models for the forgery. So a warrant of arrest was issued. There was no search warrant. Harris had a four-room apartment. Five officers arrested him there and searched his entire apartment. They discovered nothing connected with the charge on which he was arrested, but in an envelope in his bedroom they found a collection of draft cards which he had no right to possess. Harris was then charged with illegal possession of these cards, and at the trial they were produced by the prosecution. The defense lawyers claimed that the Fourth Amendment prohibited their use. Chief Justice Vinson, speaking for a majority which included Justices Black, Douglas, Reed, and Burton, rejected the contention on the ground that the search was incident to a valid arrest.

Justices Murphy, Frankfurter, Jackson, and Rutledge dissented, and the first three wrote opinions. Justice Jackson took the position that no search of a building should ever be allowed except by virtue of a search warrant. Justice Murphy elaborated the view, also expressed by Justice Frankfurter, that the principle of this case might well result in the use of exploratory searches to obtain evidence against unpopular persons and so support political prosecutions. He said:

> History is not without examples of the outlawry of certain political, religious, and economic beliefs and the relentless prosecution of those who dare to entertain such beliefs. And history has a way of repeating itself. It therefore takes no stretch of the imagination to picture law-enforcement officers arresting those accused of believing, writing, or speaking that which is proscribed, accompanied by a thorough ransacking of their homes as an "incident" to the arrest in an effort to uncover "anything" of a seditious nature. Under the court's decision the Fourth Amendment no longer stands as a bar to such tyranny and oppression.

Justice Frankfurter showed that according to previous Supreme Court decisions the search of the Harris apartment was illegal. He also contended that it should never be proper to use material unrelated to the offense for which an arrest is made. The majority decision, he pointed out, by giving officers greater leeway when searching without a warrant, would tend to dissuade them from ever getting a warrant. It would thus prevent the advance judicial scrutiny which the Fourth Amendment was intended to assure. In answer to Justice Frankfurter's criticism the Chief Justice said merely that the agents had the right to take the draft cards because Harris's possession of them constituted a crime being committed in the very presence of the agents. This argument, however, would justify a search by its results—a doctrine consistently rejected by the court.

*Justice Black*

The decision in the Harris case was widely criticized. The next year, in the Trupiano case, as the result of a shift in position by Justice Douglas, it looked as if the court had bypassed the Harris case. For now the majority reaffirmed a prior rule—that when arresting officers have an opportunity to get a search warrant they must do so, and that without a warrant they may not even seize contraband material bearing on the very crime for which the arrest is made. Chief Justice Vinson and Justices Black, Reed, and Burton dissented, declaring, as in the Harris case, that the arrested person was committing a crime in the very presence of the officers, and that the material seized was connected with that crime.

SINCE the death of Justices Murphy and Rutledge and the appointment of Justices Clark and Minton the pendulum has again swung in the other direction. In the Rabinowitz case the new justices voted with the Chief Justice and Justices Reed and Burton to overrule the Trupiano decision. Justices Frankfurter and Jackson, who had favored the Trupiano decision, now dissented. Justice Douglas was absent, recovering from his horseback accident; so it is impossible to tell whether he would have adhered to his first or his second position. Justice Black, who had been on the government's side in the earlier cases, now agreed with the minority that the search should have been condemned. But he did so, not because he had changed his mind, but because he thought that orderly judicial process required adherence to the Trupiano rule so recently announced. (One wonders where the logic of this position will place Justice Black the next time a search-and-seizure question splits the court.)

Rabinowitz was a stamp dealer known to have sold postage stamps bearing forged overprints of the names of states. Using a warrant, the officers arrested Rabinowitz in his one-room office and showroom. They searched the room, including a safe, and found a

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quantity of stamps with forged overprints. They then charged Rabinowitz with the crime of illegally possessing these stamps, as well as with having sold others. At the trial the seized stamps were used against Rabinowitz. The majority of the Supreme Court ruled that this was proper.

Justice Minton, who wrote the majority opinion, held that the Trupiano case had gone too far in laying down the rule that, if possible, a search warrant must always be obtained. No single factor, he said, should determine the reasonableness of a search; that should depend on all the circumstances—"the total atmosphere of the case." He concluded that the search in question had been reasonable because it was incident to a valid arrest, the place searched was a business room open to the public, the room was small, the search was limited to the room, and the stamps taken were illegally possessed.

Justice Frankfurter rejected this argument in a scholarly, eloquent opinion in which Justice Jackson concurred. He reviewed the history of the Fourth Amendment and concluded that it was intended to ban all searches without warrants except when they were absolutely necessary. He recognized that the right of search incident to arrest must be permitted, but he insisted that this search could not go beyond the things that were actually on the prisoner's person or "within his immediate control." To allow search of the entire place where the arrest took place would make the arrest incidental to a warrantless search rather than the other way around. He also pointed out the danger in the new rule announced by the court:

*Justice Frankfurter*

> Arrest under a warrant for a minor or trumped-up charge has been familiar practice in the past; it is a commonplace in the police state today and too well known in this country. The progress is too easy from police action unscrutinized by judicial authorization to the police state. The founders wrote into the Constitution their conviction that law enforcement does not require the easy but dangerous way of letting the police determine when search is called for without prior authorization by a magistrate.

Justice Frankfurter insisted, moreover, that respect for continuity in the law should have required enforcement, not overruling, of the Trupiano decision:

> Especially ought the court not to reinforce the instabilities of our day by giving fair ground for the belief that law is the expression of chance—for instance, of unexpected changes in the court's composition and the contingencies in the choice of successors.

It is difficult to extract a clear guide for the future from the majority opinion in the Rabinowitz case. In it the court offered a flexible criterion of reasonableness which must be separately applied to the facts and atmosphere of each case and which leaves too much discretion to law-enforcement officers. Especially at this moment of history there is little reason to believe that such officers can be trusted to practice self-restraint and to judge with a fair eye the limits of reasonable search connected with arrest.

Perhaps recognition of these considerations will move the court to seize the next opportunity that arises to narrow further the scope of reasonable search incident to arrest. Justices Black and Douglas may have a chance to exercise judicial statesmanship in uniting the court on a compromise which while retaining the verbal formulation of the Rabinowitz decision will interpret reasonableness in a manner strict enough to satisfy Justices Frankfurter and Jackson.

MEANWHILE, in spite of the confusion among the justices, this much is clear: the court has steadfastly held that a search cannot be justified as incident to an arrest unless the arrest itself was legal. That view is embodied in the first of the five criteria laid down by Justice Minton. The next three suggest that the court is no longer fully committed to the Harris decision, in which it upheld the search of a four-room apartment. It may well be, therefore, that law-enforcement officers will hereafter be held to stricter standards when searching a home or even a private office, and particularly when they roam over an extended space.

These criteria, however, do not answer the question which troubles Justices Frankfurter and Jackson, and which troubled Justices Murphy and Rutledge when they were alive—namely, whether it is proper to seize material wholly unrelated to the crime for which the arrest was made.

The purpose and effect of the Fourth Amendment must be kept in mind. Like other parts of the Bill of Rights, the Fourth Amendment is an expression of mistrust of unbridled authority and is designed to protect the people against police abuse of personal liberty. The requirement of search warrants makes a man's home his castle. Every time an officer goes through the procedure necessary to obtain a warrant he is going through a drill which teaches him the sanctity of civil rights and the limitations on the power of uniform and badge.

Restricted search incidental to arrest is a necessary exception to the requirement of search warrants. But the value of the Fourth Amendment is undermined if officers are allowed to seize things bearing no relation

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to the crime for which they made the arrest, and then to prosecute for a crime evidenced by these things. Such procedure encourages the police to arrest persons on trumped-up charges as a means of making an exploratory search for which a warrant could never be obtained. It can only inculcate in them a dangerous attitude of cynicism.

Moreover, this procedure opens the door to the political persecution of which fear was voiced in the Harris and Rabinowitz dissents. It is almost an invitation to the police to make adventurous raids upon political non-conformists. The justification cited in those two cases, that the material was illegally possessed, could be advanced in political cases also. Does not the Smith act—under which the eleven Communist leaders were convicted—make it a crime under some circumstances to possess literature which advocates the overthrow of the government by force? And this is not by any means the only law punishing the possession of written or printed matter.

We must hope therefore that the present Supreme Court can be persuaded to limit the right of search incident to arrest by confining the area of search and by condemning the seizure of material not related to the crime for which the arrest was made. In view of present storm signals, this battening down should be done quickly. Until it is accomplished our liberties are in danger.

# *Population and Politics*

BY CAREY McWILLIAMS

*Los Angeles, June 28*

IT WILL not be long now before the East learns the political bad news of the 1950 census. While the nation's gain in population for the decade is estimated at 14.5 per cent, eleven Northern industrial states (Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Michigan, Indiana, Illinois, and West Virginia) are expected to show a gain of only 12.7 per cent, and eleven Southern states (Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, North Carolina, South Carolina, Florida, Virginia, and Kentucky) of only 8.8 per cent. If that proves true, the first group of states will lose three and the second six representatives in Congress. Oregon, Washington, and California, however, will probably register gains far above the national average—66.39, 54.10, and 57.87 per cent respectively—and should receive eleven additional seats in Congress; California alone may get eight or possibly nine.*

This represents, of course, a regional shift of political power of considerable proportions. The three West Coast states, which now have thirty-nine votes in the Electoral College, would have fifty or more votes after 1951—enough to decide a close election. Another important effect of the 1951 reapportionment would be to increase the number of votes for civil-rights legislation, since the Deep South's representation would be decreased and that of the West Coast increased. Its implications, indeed, are endless.

* Most of this material has been taken from "Population and Politics," a recent study of the effects of the 1951 reapportionment, prepared by San Jule and Stofle, and Hal Dunleavy and Associates, of San Francisco.

*CAREY McWILLIAMS, a staff contributor, writes frequently on California politics.*

One might expect the Californians to be jubilant, but the prospect of reapportionment is certain to touch off a bitter fight between northern, or "Superior," California and Southern California. The chronic imbalance between these two sections has caused struggles over representation ever since 1850, and the issue is not likely to be settled as long as the population continues to grow at a fantastic rate.

Reapportionment can have some highly paradoxical results. For example, Los Angeles County, with 38 per cent of the state's estimated 1950 population and the lion's share of the decennial increase, may lose one or more representatives in the state legislature. This can happen because in 1926 the northern and central parts of the state, frightened by the amazing rate of population increase in Los Angeles County, joined to enact the so-called "federal plan" of representation. Under this plan California was divided into eighty Assembly and forty Senatorial districts, and there was a provision that no one county could have more than one state Senator. As a result El Dorado, Amador, and Alpine counties, with a combined population of 29,470 (1950), have the same representation in the state Senate as Los Angeles County with 4,190,260 residents. Representation in the state Senate is "frozen" by constitutional provision. For a county to be entitled to increased representation in the Assembly it must show a percentage population increase greater than the state's for the decade. In the period from 1940 to 1950 the population of Los Angeles County increased 50.42 per cent, as against 57.87 per cent for the state. In numbers the population increased from 2,785,643 to 4,190,260, but since thirty-seven counties scored a higher percentage increase—Inyo increased from 7,625

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to 14,300—Los Angeles County may lose one and possibly two Assemblymen in 1951.

The rate of growth of California shows such astonishing local variations that almost all the state's twenty-three Congressional districts will have to be scrapped and some thirty-one or more different districts carved out. The possibilities here for fancy political map-drawing are such as to make the ghost of Elbridge Gerry turn green with envy. Los Angeles County is certain to get three additional seats in Congress, more than any state will get—with the exception of California. In all, Los Angeles County is expected to have twelve Congressional seats after 1951; only ten states have more.

With fifty-one of California's fifty-three counties showing greater growth than the national average, it would seem that fifty-one counties are entitled to a percentage increase in their Congressional representation. At this point, reapportionment takes on the character of a surrealist nightmare. The California state constitution provides that Congressional districts within one county must be composed of whole and contiguous Assembly districts. It also provides that every Congressional and Assembly district must be as nearly equal in population to every other Congressional and Assembly district as possible. But if Los Angeles County is to have twelve equally populated Congressional districts and thirty-one equally populated Assembly districts, each Congressional district must be composed of two and a half Assembly districts. This cannot be done, since Assembly districts may not be divided to form Congressional districts within a county.

Nor is this all. Under the 1940 census the theoretical population of each Assembly district was about 86,000. Now it appears that District 41 has 24,868 registered voters while District 42 has 164,237. Two Assembly districts in Sacramento County show a 57 per cent difference in the number of registered voters. It would seem, therefore, that the existing map of Assembly districts will also have to be torn up.

San Francisco is lamenting that preliminary census estimates give it only 725,000 inhabitants. Californians have more than a theoretical interest in the census count, for it has a direct bearing upon federal and state subsidies running into millions annually. In 1949 California topped all states in the amount of federal grants received for public purposes, obtaining $145,492,000 in Treasury funds for forty-six separate programs, $30,000,000 more than Texas, the runner-up.

Rather than let the reapportionment be determined by the 1951 state legislature on the basis of present constitutional provisions, many Southern Californians feel that a modern reapportionment measure should be placed before the voters by initiative action. The state and federal reapportionment now decided on will "freeze" voting strength in dynamic California for a decade; it is important, therefore, that it correspond as closely as possible to actual population changes. A reapportionment initiative was defeated in 1948 but under circumstances which should not preclude a reopening of the issue. The anachronistic nature of California's "federal plan" is clearly shown by the fact that Los Angeles County is likely to lose one or more Assemblymen while gaining three Congressmen.

## Beside the Point

LET'S face it. Doctors are getting too big for their little black bags. Reports are still trickling back from Florida about how the Men in White got out their scalpels in the Democratic primary down there and did such a job on Senator Pepper that the patient is still under ether two months after the operation.

Time was when doctors were content to peer down your throat, wash their forearms right up to the elbow, prefer Camels two to one, and generally behave like Jean Hersholt. But now the American Medical Association has put them all in a sweat over the threat of Health Through Bolshevism, and you can't get them off the hustings. Our agents tell us that in the Florida affair the good gray doctors systematically warned their patients of the medical horrors that go with national health insurance, while their wives did daily precinct work for Pepper's opponent. The same thing happened in North Carolina, and in states where the Republicans are a factor the men of medicine have been prescribing a G. O. P. ballot with every shot of penicillin.

Doctors have their rights, of course, and political ignorance should no more bar them from electioneering than it bars oil men or rent gougers. But somehow this raging fever ill becomes the sons of Aesculapius. It's bound to show up in their work. A few hours of A. M. A. literature will make a diagnostician see red splotches on the fairest skin, and a mild case of liberalism will look like scarlet fever. We know of one physician who was thrown so far off his stride that he wouldn't treat a case of German measles until he was assured it was Western Zone. And some of the more jittery members of the calling are said to fear that if the health bill goes through, they will have to write out their prescriptions in Russian, as though anyone could tell the difference.

The best political therapists believe that the current epidemic of Practitioners' Pip, as it is technically known, will be of short duration. For the benefit of medical readers who have come this far with me, I am glad to cite the seven rules laid down for the emergency by political health officials:

1. Keep cool. Remember that collections under the public-health plan will be a lot surer than they are now.

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2. Avoid the editorial columns of Republican newspapers. If possible, avoid Republican newspapers altogether.

3. Keep away from forums on health insurance. They're bad for your blood pressure (and, besides, they bore the red corpuscles out of the audience).

4. *Don't* send money to the A. M. A., which is the primary source of infection.

5. If you feel a seizure coming on, take a dose of sober facts and call in your nearest Fair Deal Congressman.

6. Take a good, long rest—preferably in Britain or Sweden, where you can enjoy public-health facilities at low cost.

7. Get off that soapbox, Dr. Kildare. You're wanted in surgery. R. B.

# *Yugoslavia Reappraised*

BY ALEXANDER WERTH

## I. Tito Turns West

*Belgrade, June*

IN THE nearly two years since Yugoslavia's excommunication the quarrel between Moscow and Belgrade has gone through several phases. At first Moscow hoped that the Tito regime would be overthrown by spontaneous action of the "healthy Socialist elements" in Yugoslavia. When, owing to the virtual absence of such "healthy elements," these hopes failed to materialize, Russia and its allies resorted to an economic blockade. This blockade created serious difficulties for the Yugoslavs and compelled them to revise their Five-Year Plan—perhaps even more drastically than they would have had to do if they had accepted the Cominform's criticisms. But while they were forced to cut down their building, light-industry, and agricultural-mechanization programs, they were determined to put through the greater part of their plans for heavy industry, mining, and electrification, and to do this they had to switch their foreign trade to the West. They now deal largely with Great Britain, the United States, and Western Germany, and to some extent with the other West European countries, South America, and the Middle East. On April 27 Tito announced with satisfaction that trade with the East had been fully replaced by the development of trade with the West.

Yugoslavia's trade deficit over the last two years, estimated at about $90,000,000, has been covered by the two $20,000,000 credits from the Export-Import Bank, the £13,000,000 sterling credit provided under the Anglo-Yugoslav trade agreement, and a variety of other credits. Foreign observers in Belgrade now estimate that all these credits will have been pretty well exhausted by September or October, and the question arises: Where is the next lot coming from? Will Yugoslavia be able to go on "building socialism" with the help of capitalist loans? The World Bank, to which Tito recently applied for a new loan of $25,000,000, has so far been very sticky about it, partly, it is believed, because the American suggestion that half this money be advanced not in dollars but in sterling has failed to meet with approval from the Bank of England.

In the long run Yugoslavia should be solvent, and there are many things the government can do in the near future to improve its position—notably, increase, with the help of new equipment, exports of minerals and timber—but various political considerations enter into the question whether Yugoslavia should or should not be helped. The impression in Belgrade is that the British government wishes to stress its disapproval of the Yugoslav brand of "democracy." The Americans, on the other hand—and not least George Allen, the new American ambassador in Belgrade—are being "realistic" and consider Yugoslavia a deserving case, if only because it is in more ways than one a source of serious embarrassment to Moscow.

What Tito is anxious to avoid—if he can—is asking for help which would necessitate a debate in Congress, for such help would inevitably be interpreted as "indirect Marshal Plan aid" and might not be given without political strings. In his speech at Uzice some weeks ago Tito took a surprisingly strong "anti-Western" line. The speech, it now appears, was made for two reasons: because certain Americans were already hinting at "political concessions"; and because in France there had been something of an outcry against Yugoslavia's recognition of Ho Chi Minh. Tito said very emphatically that Yugoslavia was not going to take orders from anybody and that in its relations with foreign countries it would do exactly as it pleased. Some weeks later, however, at his press conference in the White Palace, he said he was looking forward to close, long-lasting trade relations with the United States and he hoped the United States felt the same about it. Tito's favorite argument

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*ALEXANDER WERTH, one of* The Nation's *correspondents in Europe, has made several extended visits to Yugoslavia in recent years. In the next article of this series he will discuss the Titoites' ideological quarrel with Moscow.*

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has been that trade with the West has saved the country's independence and, indeed, its socialism. Without it he would have had to submit to the Soviet Union or abandon the Five-Year Plan.

AFTER traveling a good deal about the country and visiting Montenegro, Bosnia, and parts of Croatia and the Voivodina, I have the distinct impression that living conditions, though still poor, are better than they were two years or even one year ago. Belgrade is badly fed. For two months, March and April, the meat rations were not honored. Prices in the "free market" are so high that a person of modest means can afford to buy little more than a few vegetables. The explanation given is that Belgrade is overpopulated, transportation is inadequate, and anyway there are too many spivs and wasters in the city. It is certainly true that in the mining towns, where most of the people are "heavy" workers—and many are potential "Cominformists"—a special effort has been made to create better food conditions and to provide consumer goods. Conditions vary greatly from city to city. In Serajevo, Dubrovnik, and Cettinje they are fairly good; in Titograd they are miserable.

But while the distribution of food and consumer goods is uneven, the per capita consumption of food is higher than before the war. Hundreds of thousands of people who formerly ate nothing but bread made from maize eat wheat bread now, and everywhere there is much more livestock than there was two years ago. In the poorer parts of Yugoslavia, particularly in Bosnia and Montenegro, which suffered the most destruction during the war, building and industrialization are going on rapidly, although the over-ambitious scheme of building a great new capital for Montenegro at Titograd has had to be more or less abandoned for the present. While the Yugoslav election results may mean little in themselves, it is probably significant that the highest pro-government vote was in Montenegro, with Bosnia a good second. These backward areas are benefiting from better housing, education, and health services. The greatest opposition to the government came from some parts of the Voivodina and the rich agricultural country between Karlovac and Zagreb in Croatia, where the influence of Macek, the war-time Croat agrarian leader, is still strong, and where feeling against collectivization among the wealthier peasants is particularly fierce.

There are some six thousand collective farms, or rather "producer cooperatives," in Yugoslavia, and it may be said that they have been "socially" if not economically a great success in many parts of Bosnia, Montenegro, and Macedonia. The very poor peasantry of those provinces have joined them willingly. In the richer parts of Serbia and Croatia individual farmers have this year been "demonstrating" against heavy grain and food levies and other forms of pressure by sowing smaller areas than usual. This resistance might be weakened by a greater production of consumer goods, still in short supply. In some parts of the Voivodina collective farms have been not only socially but economically successful, and it is hoped their example will be followed. However, the present line appears to be to "consolidate" already organized farms rather than speed up the formation of new ones. There are still serious shortages to overcome before these farms can yield anything like their maximum—shortages of horses, tractors, agricultural machinery, skilled labor, fertilizers, and good seed. But unless there is an unusually bad harvest, which at the moment seems unlikely, the reduced area under cultivation should not have serious consequences, and by next year there will be new inducements to make the peasants work harder. So the argument runs, and when one considers that in these last two years Yugoslavia has managed to survive the Eastern blockade, the remaining difficulties seem small and Tito's phrase that "the worst is over" may well be justified.

In declaring that Yugoslavia is really much better off trading with the West than with the East the Yugoslav leaders tend of course to oversimplify matters. The Soviet "exploitation" of which one hears so much cannot be said to have actually started by 1948, and although in terms of everyday life—an important psychological factor—UNRRA help was more important than what Yugoslavia received from Russia before 1948, the fact remains that Yugoslavia formed part of a fairly coherent economic system and received from Russia credits amounting to some $85,000,000. Most of this sum, it is true, was represented by army equipment and by "services," such as the training of Yugoslav soldiers and students in the Soviet Union. For both, the Yugoslavs now say, they had to pay through the nose. These long-term credits must be repaid sooner or later; whether the Yugoslavs will deduct from them the $55,000,000 of Hungarian reparations canceled without their consent remains to be seen. In any case Yugoslavia is now obliged to produce its own armaments, which is a heavy drain on its resources and its very limited skilled manpower, especially if it intends to manufacture much heavy equipment like the five tanks I saw in the May Day parade.

The line taken is that, on balance, it was worth while breaking with the East. Russian deliveries were erratic and unreliable, while American deliveries are satisfactory. And in respect of Anglo-Yugoslav trade, Tito has said, "there are no complaints." Whether this economic partnership with the West can be satisfactorily kept up is the big problem, second in importance only to the question whether Yugoslavia can maintain itself politically in Europe as a Socialist country, and one, moreover, waging a relentless war against "Soviet revisionism."

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# DANGEROUS THOUGHTS

## *Zone of Silence, II*

A MONTH ago the Observer noted a dozen instances of censorship and blacklisting in radio and television. Most of them had never been referred to in print. Assembled on one page, they charted the course radio is today following—into a Zone of Silence.

In the last few weeks the Zone has steadily widened.

*Item*: One of radio's top network commentators, a man whose war work won him scores of commendations, has just been dropped by his sponsor because he dared ask some questions about Senator McCarthy's assault on Owen Lattimore and the Supreme Court's refusal to review the cases of the Hollywood Ten.

*Item*: CBS dismissed one of its directors because she had refused to answer questions at a hearing before the House Un-American Activities Committee. Her union, the Radio and Television Directors' Guild, is determined to fight the corporation's action; it was "shocked and horrified," it said, "at the summary dismissal by CBS of a loyal employee with ten and a half years' service without giving her a hearing or an opportunity to defend herself."

*Item*: Kirk Douglas, star of one of last year's Hollywood hits, "The Champion," was not allowed to play the same role in the television version because he had signed his name to an *amicus curiae* brief for the Hollywood Ten.

*Item*: After months of unemployment a radio actor obtained an audition and was chosen to play a small but steady role in a quiz show. When he got home from the studio, he found a message saying the decision had been changed and someone else would play the part. He insisted on knowing the reason and was told it had just been discovered that his wife had once worked as secretary to a liberal newspaper columnist.

The first major sign of radio's cave-in to outside pressure was the Bill Sweets case of a year ago, reported by the Observer. A few months later the *Sign*, a Catholic monthly, published an anonymous article called Red Fronts in Radio which named sixty-one actors, musicians, writers, directors, and producers. Now the American Legion is circulating a reprint of the *Sign* article. When legionnaires spot one of the sixty-one on a radio or TV program, they send a marked copy of the reprint to the station, agency, or sponsor with a demand for quick action. With four million members, the Legion's pressure power is sufficient to enforce the blacklist in the highest places.

The weekly red-hunting news letter *Counterattack*—produced by eight editors of whom six are ex-FBI agents—attacks not only radio and television but every medium of thought and communication in the country. Its targets have included Mrs. Roosevelt, Trygve Lie, Supreme Court Justice Black, Judge William Hastie, the New York *Times* and *Herald Tribune*, the *New Yorker*, *Fortune*, *Mademoiselle*, Harvard, Yale, the University of Chicago, the American Jewish Congress on the Pacific Coast, etc., etc., etc.

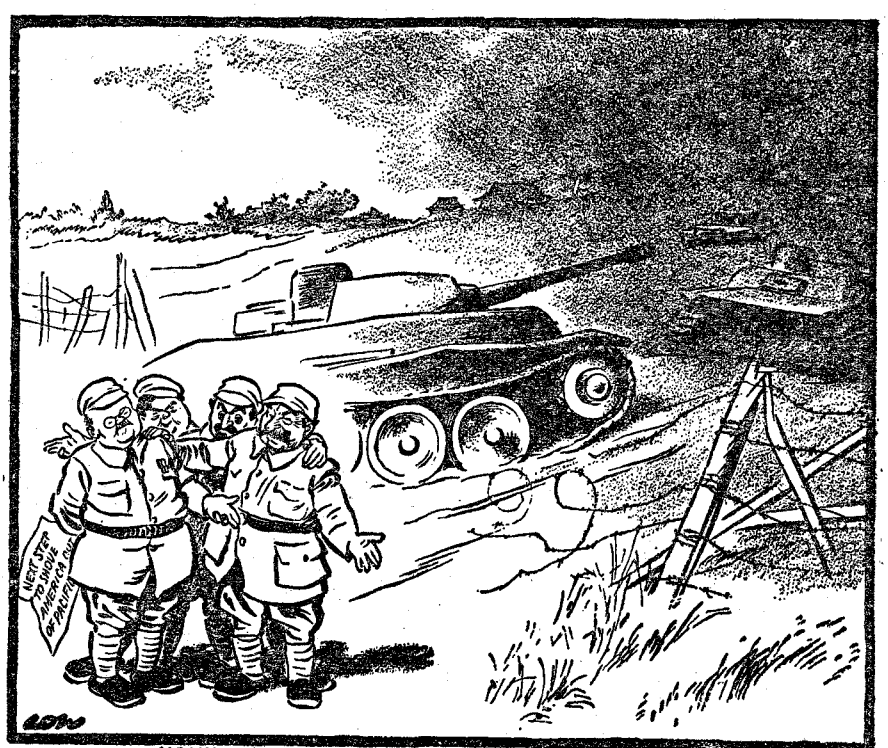
Right now, however, radio is apparently rated the happiest hunting ground. Perhaps *Counterattack* is taking its cue from J. Edgar Hoover, who told the Senate Appropriations Committee recently that radio and television were primary penetration points for the Communists.

A few days later, on Thursday, June 22, what Ed Sullivan, the *Daily News* columnist, happily welcomed as a "salutary American bombshell" was dropped on the desks of radio and television network executives, advertising agencies, and sponsors. This was a 213-page book called "Red Channels—a Report of Communist Influence in Radio and Television." It lists 151 radio and TV personalities "who have been associated with Communist fronts or causes."

What *Counterattack's* 1950 version of Elizabeth Dilling's "Red Network" could do to American radio was foreshadowed that very day in the appearance of eight men before the bar of the United States District Court in Washington. Two of the original ten Hollywood writers, directors, and producers charged with contempt of Parnell Thomas's Un-American Activities Committee were already in jail; the rest were about to stand trial. Two and a half years ago the ex-FBI agents, superchauvinists, and misinformers had entered the names of the ten in the "Red Channels" of the screen. Blacklist and bars were to follow.

Radio and television are apparently soon to enter the Zone of Silence that has engulfed Hollywood.

THE OBSERVER




HONEST, MISTER, THERE'S NOBODY HERE BUT US KOREANS

London *Daily Herald*

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# BOOKS *and the* ARTS

## HENRY JAMES AND THE PLAY

BY F. W. DUPEE

BECAUSE so many of James's long-buried writings have turned out to be remarkable it does not follow that every last mound contains treasure. Little of value, it must be confessed, is to be found in his theatrical attempts. Nor does Leon Edel, who has patiently exhumed James's plays*—some fifteen of them not counting the fragments, the scenarios, and the fugitive pieces—make any great claims for them as works of art or potential successes in the theater. He has been content to print the texts—an immense task, since many of the plays existed only in manuscript—and to provide an ample and readable commentary setting them in the perspective of James's life and other work. Edel knows as much about Henry James as anyone living. His commentary, consisting of a general introduction and of forewords to each play, thoroughly documents this vexed phase of a splendid career. If "The Complete Plays of Henry James" is the monument to a failure, it is still a monument.

As Edel makes clear, James was not at all the usual case of the literary man essaying the theater casually and perhaps a little contemptuously. Turning playwright in earnest about 1890, he could claim a large acquaintance with the medium, for which his respect was unbounded. His definite intentions to write for the stage appeared as early as 1882, when he beguiled a sterile year in America by making "Daisy Miller" into a comedy. It was never produced, but James was undiscouraged. The theater remained his passion. Highly illusionistic, highly social, highly professional, it was still his art of arts; and as a novelist he continued to profit by its vividnesses and economies. Like many imaginative people he was stage-struck, but in a degree which argued some special affinity on his part and which made him an uncommonly persistent and knowing amateur.

He remembered the Broadway melodramas of his youth; he knew and loved the Comédie Française; he knew and mostly detested the contemporary English stage, often scandalizing his friends by loudly expressing his disapproval of some play in clumsy progress before their eyes. And Ibsen, "provincial of provincials" though he seemed to James, found in the novelist one of his most discerning admirers, even though James's own plays were to owe all too little to his influence. Nor did James rest on his connoisseur's knowledge once he had embarked on playwriting. Though his predictions of success were rather shrill, he was actually a patient apprentice. Not only did he visit Paris in order to discuss his problems with authorities there, but, as he wrote to his brother William, "I worked like a horse—far harder than anyone will ever know—over the whole stiff mystery of 'technique.'" He can scarcely have been unaware, moreover, that a dramatic revival was then in the English wind, bringing Oscar Wilde and other literary men into the theater.

For James himself, however, it was anything but the psychological moment for such an experiment. The young and relatively self-confident author of "Daisy Miller" and "The Europeans" might conceivably have turned playwright with success, though it is significant that he made no such move. Had the stage meanwhile come to mean almost *too* much to James both as a source of literary inspiration and as an image of worldly glory? The dramatic structure and immediacy he had already mastered in his fiction. To pursue the embodied drama rather than the dramatic effect represented a considerable risk on the part of a writer whose very sense of things was so much a matter of effects and essences.

In any case he had postponed the venture too long, had put it off to a moment when, because he could least afford to fail, he was likely to know both the caution and the rashness of panic. Even the attempt of 1882, like a third and final one undertaken in his old age (1907-09), was a storm signal advertising a mood of exhaustion and uncertainty following a productive period of novel-writing. In 1890 the mood was upon him with a vengeance. His three long novels of the '80's—"The Bostonians," "The Princess Casamassima," and "The Tragic Muse"—had failed with the public, leaving James a desperate man. Ignored or abused in the United States, he had watched his English reputation decline to a frigidly honorary one; he confided to Howells that he had "fallen upon evil days." The whole complicated experiment of his life lay open to question—his celibate dedication to art, his European residence, his ambitious idea of the novel, his pursuit of a *career* in the honorable old European sense.

"It was wholly for money I ventured," he told William and others in explanation of his playwriting. This was in large part protective cynicism. What he craved, as Edel suggests, was recognition; and the more this was denied him the grosser became his need, till what he wanted was a large material triumph. If there is no profit in moralizing about all this today, when James is at last better appreciated, there is also no reason to minimize it. Whatever the theater had once meant to him, it was now become mainly a token of power and rejuvenation and reunion with the tribe. The cheerful obfuscation of his letters of the time leaves no doubt. The stage now represented action, bustle, the gratifying hardships of the rehearsal and the road, the camaraderie of actors, the right to talk a sacred professional jargon, the hope of applause and curtain calls. To be sure,

* "The Complete Plays of Henry James." Edited by Leon Edel. Lippincott. $10.

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is humor, which never abated for a ioment, was constantly exercised by is misadventures; and his natural kind- ess and love of people expressed itself i repeated generosities. Never before, ; an actor in one of his plays remarked n one occasion, had a playwright gone ) the trouble of having his servants ring to rehearsal a hamper of sand- riches in order to feed a hungry and xhausted cast. Yet James was as much victim of his own overconfident nrewdness as if he had taken to rou- ette or the stock market. He not only vorked hard over the mystery of tech- iique, but as he added to William, 'I have run it to earth... I have made t absolutely my own, put it into my ocket." This blithe assurance survived ven his theatrical disasters of the '90's. The suspicion that he had possessed the ight "system" and lacked only a fa- orable opportunity remained with him o the end.

Edel speaks somewhere of James's aving lavished on his plays "the re- ources of his literary maturity." If esources in a technical sense is neant, it is easy to agree. For the rest, naturity of substance is just what the plays seem, to this reader, to be poor in; as if James had written them more with his system than his sensibility. Perhaps he was rash in attempting the theater at all; almost certainly he was unduly cautious in his estimate of its uses. This was not, however, a matter of the *kind* of play he was trying to write. To build as he did on the example of Sardou and Augier, to assume a tradition where none in fact existed, was not in itself fatal, though the important modern drama from Ibsen to Chekhov to Shaw does seem to have come about through individual engagements fought by a series of brilliant irregulars. Nor were his conventions, such as the aside and the soliloquy, objectionable in themselves, merely because they were inconsistent with a maximum of realism. Furthermore, he was able to turn out in play after play admirable stretches of dialogue, one speech wittily provoking another. Often, too, entire scenes are neatly accomplished; and only a kind of ultimate silliness—it seems the only word —prevents one of his plays, "The Reprobate," from being good as a whole.

James seems to have believed that the well-made play was made out of next to nothing. For no particular errors of commission give rise to the silliness of "The Reprobate," not to mention of the other plays; it is the result of an inordinate amount of chatter and contrivance in what is inescapably an emotional void. The play written "merely to entertain" has its own variety of emotion. James, who could not encompass this, proceeded instead to draw off the rich complexity from his own normal mind. He learned everything about playwriting except how to evoke character and atmosphere, that is to say, complexity. And so, although his plays constantly echo the themes of his fiction (Mr. Edel gives many examples), they do so in a strangely dehumanized and unresonant medium.

James's reviewers at the time had no trouble in agreeing on one point. Literary men, one newspaper critic remarked, were more than welcome in the theater "provided they bring their literature with them." And William Archer: "Mr. James has never taken up a natural and unconstrained attitude toward the stage. . . . If he will only clear his mind of critical cant... and write solely for the ideal audience within his own breast, he will certainly produce works of art, and not improbably successful plays."

Edel's various forewords relate the story of James's hopes and disappointments in the face of producers, actors, and audiences. Especially vivid is the account of the opening night of "Guy Domville," when James, taking a curtain call, was hooted from the stage by a rowdy faction in the pit and gallery. He had admirers in the stalls, however; and the better reviewers were not unkind to "Guy Domville," which even had a London run of four weeks. But James, now in the fifth year of his theatrical ordeal, was for once disillusioned. Though he did not go so far as to conclude with Flaubert that the stage was *"l'école de démoralization,"* he did say of himself that "you can't make a sow's ear out of a silk purse." His playwriting interests, if they did not die out, went for a time underground. And Shaw, who as a reviewer had begun by generously encouraging him, observed years later that James had failed in the theater because his language, however distinguished in itself, was too literary for the stage and because his "pessimism" was outmoded. This comment, as well as a remarkable series of letters exchanged by Shaw and James on similar subjects, we owe to Edel, who somehow unearthed them.

But if Shaw was right about James's language, then surely the defect he referred to was merely symptomatic. As for the other charge, it is obvious that the "pessimism" of a Chekhov did not prevent him from making his contribution to the drama. And if James as a playwright had written with his sensibility he would have been closer to Chekhov than to Sardou. For throughout the theater years he was engaged on stories that showed him to be increasingly haunted by images of the queer, the futile, the apocalyptic. Many of those tales (for example, The Pupil, The Death of the Lion) were among his best things of any period; and they uncovered a vein of fantasy and terror that he would continue to work with great effect as long as he remained productive (The Beast in the Jungle, The Bench of Desolation). No doubt James's siege of the theater represented

## CLOISTER

Angle and the arc combine,
Repeat the measured breadth of line,
Compose in stone complete design.

Column and the arch embrace
Austere aisles of stone and space
Wholly holy, full of grace.

Shadow and the sun recite
The ancient antiphons of light.
Night and day repeat the rite.

ISABEL WILNER

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a crisis in his life, as has frequently been maintained; nor was it a crisis simply of the disappointed ego. His measure of a career was equally at stake. Formerly based on the more generous literary conditions of early Victorian times, it was now in process of attenuation. To be difficult, to be read by a few, would presently more or less content him. He was living through his own *fin de siècle,* the unquiet passage from one literary age to another. But though his playwriting signified a crisis for him, it did not involve a collapse, a "crack-up." While one part of his mind looked to the stage for a conspicuous success, another part searched his experience more intently, perhaps, than ever before. This was the part of his mind with which he wrote The Pupil.

## Through a Glass, Darkly

*WORLD ENOUGH AND TIME.* By Robert Penn Warren. Random House. $3.50.

IN "World Enough and Time" Robert Penn Warren has essayed to present, in all the complexity of his decision and indecision, a kind of early-nineteenth-century Hamlet. He has constructed instead a hero out of Restoration tragedy, one of those tiresome and bloodless young men who declaim for five acts over a factitious conflict between love and honor.

On one level it is the stuff of current pot-boiling fiction with its double emphasis on sex and violence as they occur in an appropriate historical setting. Labeled by its author "a romantic novel," it is based on actual event in the Kentucky of the eighteen twenties. Mr. Warren's background is excellent. He does recreate a society which was a compound of the crudities of the democratic frontier and the learning and elegance of the Tidewater. On another level his Jeremiah Beaumont, who takes a tardy vengeance on the man who had seduced his wife—long before Beaumont knew her—and then endures trial, conviction, and flight into the wilderness, dying, in the fulness of wisdom and disillusionment, in his mid-twenties, falls into the familiar fictional pattern of the young man slowly made wise. He is a variation on Julien Sorel or Richard Feverel, or even Philip Carey. Like Julien Sorel, he suffers decapitation.

Never, in 512 pages, does he come alive, even though a great part of the novel consists of what purports to be quotations from his diaries. Structurally, "World Enough and Time" is a long series of crises in Beaumont's life, each crisis accompanied by a revelation about the meaning of Life, and each revelation negating the one which precedes it. But although Mr. Warren broods over them, he remains strangely aloof. As a result, his hero and the other central characters are entirely *kontaktlos*, solitaries, unable to communicate, although endlessly talkative and propelled into the most intricate relationships which their talk never clarifies.

Perhaps because he is dealing with historical material Mr. Warren is unwilling to supply motives. Why the villain of the piece, who sets the train of catastrophes in order, acts as he does is never made clear. Nor is it clear why Beaumont, a sober young man, sets himself up as the champion of a woman he has never seen. The characters are manipulated through circumstance, although the implication is that they are being driven by some gloomy destiny.

Part of the trouble lies in the deliberate ambiguity with which the story is told. The author is all the time pretending to be an editor. We have, he says, diaries, documents, letters with which to piece together Beaumont's history:

> We have what is left, the lies and half-lies and the truths and half-truths. We do not know that we have the Truth. But we must have it. Puzzling over what is left, we are like the scientist fumbling with a tooth and thigh bone to reconstruct for a museum some great, stupid beast extinct with the ice age.

On the last page he quotes from what is supposed to be the end of the hero's diary:

> I had longed for some nobility . . . but did not know its name. I had longed to do justice in the world, and what was worthy of praise. Even if my longing was born in vanity and nursed in pride, is that longing to be wholly damned? . . . And in my crime and vainglory of self is there no worth lost? Oh, was I worth nothing, and my agony? Was all for naught?

And Mr. Warren editorializes, "Was all for naught?" Always at such points in his narrative he withdraws as if he understood his hero no better than his hero understood the people around him.

Yet he does intend more than a record of meaningless violence. He is ambiguous only when it suits him. The novel carries an epigraph from the fifth book of "The Faerie Queene," which contains the legend of Artegall, or Justice. Beaumont, in some fashion, is intended as a representation of antique virtue, the just man as contrasted with the evil creatures around him and the modern corruption which is summarized in the last pages. But since he is never realized, as a just man he is purely abstract. The confusion, so ably presented, remains simple confusion.

It infects the prose, which reads as if the author depended on simple verbal flow to clarify, somehow, the very issues which the prose muddies. The language is vaguely poetic. One goes on and on, yielding to hypnosis as each episode is picked up, examined carefully from many angles, and, just as carefully, restored to its place in the narrative. When one seeks it out, the meaning is shrouded or diffused in repetitive variations as the passages I have quoted indicate. Sentences like the following are typical, completely opaque so far as thought and feeling go:

> But there was an escape, an escape not by flight but by turning to embrace the very thing from which she would flee: despair. She could seize the quill, dip it in ink, lean in the candlelight, and write. Then rise and pace the room and come to write again. She could ascend the high and secret stage, join Jeremiah Beaumont there, and take her stance and make the gestures and speak the words that would transform the commonness of things. She could gather the waste and wreckage of her life, its vain furniture of old hopes and threadbare desires, its frustrations and guilts, and fling them all disdainfully into the flame to make it leap higher and higher and gild with light ruddy as gold and blood the dark landscape that in that combustion would leap to life.

Fiction composed in such terms can readily create a dream-like state; it can convey a sense of "old, unhappy, far-off things," even if they are seen through a glass, darkly. But it can never convince us that we are dealing with human beings who, we are constantly being reminded, suffered greatly and nobly 130 years ago.

ERNEST JONES

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## Schoenberg's "Philosophy"

*STYLE AND IDEA.* By Arnold Schoenberg. Translated and Edited by Dika Newlin. Philosophical Library. $4.75.

MR. SCHOENBERG is obsessed with the idea of the genius of the few and the pettiness of the many; it crops up on every other page with graceless irrelevance, befogging issues, obscuring ideas, and generating a continuous stream of carping invective. To him genius is a moral issue; it is bestowed by God only upon a deserving handful, and Schoenberg has little patience with even the second best. Couperin, Rameau, Teleman, and K. P. E. Bach, all come in for brief glances of contempt, while dissenting contemporaries are worthy only of derision. As for the merely talented, they are but pusillanimous sinners, denied even the right which theology grants them of saving their souls by faith and discipline.

Schoenberg's style resembles a stream of free association direct from the analyst's couch rather than an organized structure of thought. The subject of discussion is rarely perceived until the middle of the essay; paragraphs follow hard upon each other with no apparent connection; digressions are frequent and often purposeless. And though we are warned in the translator's preface that inconsistencies occur owing to the span of years over which the essays were written, I must contend that inconsistency is not to be confused with wholesome change of opinion. Schoenberg's inconsistencies seem to arise from loose handling of terms and ideas rather than from any mature reconsideration of argument and conclusions.

For though he sternly proclaims the artist's need for knowledge and training, Schoenberg does not realize that the handling of philosophical concepts requires just as much technique and precision as any art. He bandies about such words as idea, goal, progress, and expression with the mystic's small regard for the consequences, and recklessly spits himself upon the familiar problems of form, formality, and content, style and idea, popular appeal and integrity. He compares a musical idea with a discursive proposition, whereby repetition of a musical phrase is superfluous and childish; again, to a spatial object, whereby inverting a theme is no different from inverting a knife; and still again to the absolute truth of a mathematical proposition.

The results of such undisciplined thinking simply cannot bear scrutiny. For example, all artists proclaim the same message, we are told, but their ideas change, and this is progress. It seems that styles must change along with ideas, but then we learn that Bach evolved new ideas in an old style, while his contemporaries merely concerned themselves with a new style. This evokes from Schoenberg sounds of contempt. Yet he struggles honestly, though hopelessly, with the undeniable fact that this new style became the current mode in the great classic period. A while later he gives up the distinction, uses style and idea almost interchangeably—"whether one tries to imitate old styles or is destined to express new ideas." But still later he goes through elaborate contortions to justify his own use of an ancient style!

If Schoenberg is ultimately accepted as a great composer, this book will of course have historical and sentimental value. Otherwise, its chief virtue is its revealing guilelessness, for, unaware of his own doubts and confusions, Schoenberg does not trouble to conceal them. In this he is the true artist. The reader will have a good glimpse into the workings of his mind and perhaps see there the tragedy of a gifted, energetic man whose obsessive need to believe in his own genius produces a corroding bitterness in a world where no proofs of genius exist. HAROLD BROWN

## Out of New England

*THE YANKEE EXODUS.* By Stewart H. Holbrook. The Macmillan Company. $5.

*THE TRANSCENDENTALISTS: AN ANTHOLOGY.* Edited by Perry Miller. Harvard University Press. $6.50.

THESE two books are addressed to very different groups of readers and have only their subject in common—New England in its heyday, of which, however, they treat related aspects: "radiation" at the periphery, to use Toynbee's phrase, and effervescence at the center. Mr. Holbrook's book is not a success. The muse of minor Americana, that flourishing field in which he is one of our more eminent practitioners, is here confronted by History with a capital H and fumbles the task. As the jacket boasts, and as the reader is only too painfully aware, "over 2,000 Yankees are described or mentioned by name in this story of their migrations"; the catalogue proliferates remorselessly as we follow the trail to the Genesee, to the Western Reserve, to Illinois, Wisconsin, Michigan, Iowa, and so on. The result is a book hardly readable even on its own not very ambitious terms. We only learn what we knew already: that along with its emigrants New England exported a knack for inventions and a knack for making money, exported Temperance societies, Abolition, and above all the idea of Education. What were the causes and what are the consequences? What really *was* the impact of New England on the nation and how should we evaluate it? Mr. Holbrook barely skirts these questions, which are central to his theme, and doggedly sticks to his line of making what he can for entertainment out of incidental odds and ends.

Perry Miller's anthology, on the other hand, is as arresting as "The Yankee Exodus" is disappointing. From his extremely skilful editing of the documents the Transcendentalist controversy emerges as one of the major intellectual battles of our history. He briefs us on its progress in a masterly fashion, discriminating the moves so that we watch it almost with the excitement of watching a play: the preliminary forays of the astute elders scenting heresy; the passage of the insurgents to the offensive; the broadening out of the engagement from the religious and philosophical to the literary, artistic, and educational fronts; Andrew Norton's desperate acceptance of help from his old Calvinist enemies—that grim band at Princeton watching with wry humor the débâcle of the

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Unitarians they had foretold; Theodore Parker's audacious storming of Norton's citadel; the latent divisions in the camp of the victors—the dominant trend toward ultra-individualism of the Emersonian stamp on the one hand, on the other the proto-socialism of Ripley and, most remarkable, the proto-authoritarianism of Orestes Brownson that was to make of him, after raising the red standard of class war, a Catholic convert and, as Theodore Parker put it, "perhaps the ablest writer in America against the rights of man and the welfare of his race."

Mr. Miller demonstrates to the hilt the historical bearings of this struggle which set so many patterns and contained the germs of such divergent and since prominent ideologies. Yet even here one would ask a further question or two. What, for instance, is viable for us in these records Mr. Miller revivifies, infused as they are with an optimism that seems so alien to our situation? So, in Mr. Holbrook's case, one would ask what is to be made of that buoyant faith in education whose promise seems so much belied? What in general is the relation of the Yankee exodus and transcendentalism to the whole complex of attitudes which they helped to shape and which still forms our general frame of living? What would come of a really critical reappraisal in this light of the New England tradition in its climactic nineteenth-century phase? A good deal, one suspects, and Mr. Miller's anthology, if it does not push analysis as far as it might go, seems very markedly to point in that desirable direction.

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# Books in Brief

*YOUNG AMERICA: 1830-1840.* By Robert E. Riegel. University of Oklahoma Press. $5. Professor Riegel's readable social history of the age of Jackson adds vivid detail to our knowledge of a period whose political history has received a disproportionate emphasis. During the years covered by this volume the tempo of everyday life in America was accelerating as never before: we read of extensive population movements, the growth of the factory with its effect on farm life, the mushrooming of railroads, the multiplication of canals, the increasing employment of women, the rise of the newspaper, and numerous other changes in the life of the average American. Facts are arranged in orderly fashion; they are drawn from myriad scattered sources and add up to an impressive piece of scholarship. But like many other valuable monographs of social history, the book is not strong in synthesis. Interesting questions concerning the significance of the facts and their relation to each other remain unanswered, and sometimes even unasked. "They gulped their food and hurried from place to place as though the world would collapse if they neglected the real business of life for more than ten minutes at a time." Professor Riegel tells us precisely what kinds of food were eaten and when and how, and what manners were considered good and bad. For the meaning of this haste, its roots, and its deeper consequences for American culture we still have to return to Tocqueville.

*BOWERY TO BELLEVUE.* By Emily Dunning Barringer. Norton. $3. A half-century ago Emily Dunning was appointed to the staff of Gouverneur Hospital and became New York's first woman ambulance surgeon. To ride the ambulance in the East Side slums and to endure the hazing of her male associates took stout nerves and a strong stomach. Her simple straightforward story gives an interesting picture of the period.

# Drama

*MARGARET MARSHALL*

SHAKESPEARE'S "Julius Caesar" is as topical as ever. The production at the Arena Theater is competent if not distinguished, and it is good to hear again the wonderful lines attached to such tags as "Friends, Romans, Countrymen"; to contemplate once more the incredible subtlety and art with which the poet not only delineates the good and evil of politics but also creates three major characters, all rounded and complete, in whom the good-and-evil compound is so variously shaped.

The play itself is episodic rather than concentric; the train of action is subsidiary to the development of character and theme—and these aspects are intensified by the exigencies of the theater-in-the-round. The play needs to be inclosed; with people rushing up and down several runways, there is too much mere movement, literally in all directions, and it becomes distracting. The lines are on the whole well "declaimed," and I found myself wishing that the actors would stay still and simply speak the lines as if they were members of a public Shakespeare Club.

The overhead lighting, which beats down fiercely, indiscriminately, and without variation, sometimes makes for grotesque effects—for one thing the player is all head; but it is quite possible that this relentless lighting, given the fast pace, adds to the excitement which the production generates.

Basil Rathbone's looks and mannerisms are suited to the part of Cassius, as they might not be to another; Joseph Holland likewise looks the part of Brutus and acts it well; and Horace Braham is satisfactory as the rather battered but still driving Caesar. Of the lesser roles, Berry Kroeger's Casca is particularly good.

The piece is played straight, in traditional costumes; this leaves one free to make one's own identifications with contemporary parallels, a fascinating side-

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ıme which increases the interest. I'd y that Cassius is a socialist with a rotskyite infusion; Brutus, of course, a liberal and an honorable man; hile Mark Antony is a Stalinist who :gan as an innocent, has not quite ached the stage of complete cynicism, ıt is well on his way. I disliked him ıtensely, but I could see how he acuired followers. That business of aesar's will is as sure-fire as it is unrupulous, and the same tactic is used )day.

Which all goes to show that Shakeoeare never grows stale. It also makes ou wonder why, when one Englishman ıree hundred years ago possessed, and ublished, such intricate and perfect nowledge of the workings of the poitical mind, the rest of us have not een able to make better use of it. 'erhaps it would be a good idea to rganize that public Shakespeare Club nd have it read "Julius Caesar" at least ınce a year at the Yankee Stadium.

If you have never seen John Gay's "The Beggar's Opera" in its original orm, more or less, you may be interested in the production put on by the nterplayers at their summer theater in he Carnegie Recital Hall (air-conditioned).

Aside from its antiquarian interest he piece is fairly amusing, though here is not enough variety of quip and ntrigue to last its length. The songs—raditional tunes and airs—are very oleasant. (It seemed to me, however, hat the piano accompaniment half the ime was pitched in a different key rom the singer's voice. If the dissonance is deliberate it is surely out of olace.) The cast is uneven, and most of the players work too hard. And in heir efforts to project voice and gesture hey sometimes give the impression that hey are playing not in a small auditorium but in Carnegie Hall itself. It akes sophisticated actors to bring off what is essentially a period piece. This company is not too successful, though one respects their attempt.

Michael Todd's Peep Show is also something of a period piece, a combination of vaudeville and burlesque designed for the tired business man away from home. It reeks with sex, of course. The girls, all of them, are extremely pretty, and their costumes are gorgeous and mighty scant. But there is little wit in the display. The best bits in the show are the vaudeville numbers, featuring such old-timers as Hi Wilberforce Conley, Red Marshall, Bozo Snyder, and Peanuts Mann. There are two amazing jugglers and a clever ventriloquist. The slapstick parody of "The Cocktail Party," in which the old-timers collaborate, is quite funny. The solemn numbers, which always plague such shows, are incredibly tiresome and far more vulgar than any strip-tease.

## Records

*B. H. HAGGIN*

IF I had to choose one performance with which to demonstrate Toscanini's powers as a musician to listeners fifty years from now, I think my choice would be his performance of Mozart's Divertimento K. 287 for strings and horns. He has spoken of how difficult it is to play such music—to know, that is, what to do between the *p* here and the *f* eight bars later; and that knowledge of what to do with it is evident in the enchanting inflection of phrase-contours in the fast movements, the bold, powerful shaping of the Adagio in the style of a great vocal declamation (as the flatness and insipidity of Koussevitzky's performance of the piece demonstrate his helplessness with this music).

For listeners of today it is important that of the Toscanini performances with the N. B. C. Symphony recently issued by RCA Victor on long-play records the one of Mozart's Divertimento is the most beautifully reproduced—the lines of sound resonant and live in a texture which is open and clear. My review copy is perfect; but a Cambridge reader has reported an extraordinary number of defective pressings in two record stores there.

The newly issued recorded performance of Beethoven's "Eroica" Symphony documents the tendency in Toscanini's work in the years since the old one—the tendency away from rhetorical expansiveness toward simplicity, economy, and subtlety. In the old recorded performance of the first movement the music expands in tempo as well as in sonority for the climaxes—*e.g.*, for the famous dissonant climax in the development; in the new one it proceeds steadily in the single tempo, with only the lightest and subtlest modifications, throughout the movement. Both ways there is tremendous power; but I think there is more the old way. I might add that there has been a tendency also for the single tempos to be faster, and that there has also been increased intensity (by which I don't mean the stiffening tenseness caused by a momentary unrelaxed state of mind and emotion). All these tendencies together produced the hair-raising performance of the "Eroica" a year ago, which was to have been recorded but was not because of the bathtub accident that disabled Toscanini's arm. But the general tendencies have had their particular exceptions and reversals—one of them being the astonishingly lessened speed and intensity of the performance of the "Eroica" last winter that *was* recorded. This new recorded performance is, then, less powerful than the old, but nothing less than a great performance; and it is one that will be preferred by those who find the faster tempos and greater intensity disturbing.

Unfortunately its recorded sound is unresonantly dry, cold, tightly compressed (as against the impression of space from the Divertimento recording and from the best London Decca large-orchestra recordings), very weak in bass, and strident in fortissimos.

Much worse—in fact the worst—is the recorded sound of the superb performance of Haydn's Symphony No.

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101 ("Clock"). It has the extreme and unpleasant acoustic deadness and the harshness in fortissimo of the Mozart "Haffner" Symphony recording issued a couple of years ago and now coupled with the Haydn on the long-play record; and in addition the bass is boomy. Also, one has to change the volume and treble settings from one movement to the next; and surfaces are a little gritty.

On the other hand the sound of the Tchaikovsky "Manfred," Wagner "Parsifal," and Ravel's "Daphnis and Chloë" performances is more resonant and live, more open and spacious than that of the "Eroica," though without the warmth and radiance of some other Victor recordings—*e.g.*, of the San Francisco Symphony performances of Debussy's "Gigues" and "Rondes de printemps" and the St. Louis Symphony performance of the Couperin-Milhaud "La Sultane." There are, also, to be noted some compression of sonority in the "Manfred"; a weakness of bass and a marked leveling off of the climax of the Prelude in the "Parsifal"; a change of volume level in the closing section, and unusually audible surfaces, in the "Daphnis." The Ravel piece needs most the warmth and radiance that are lacking in the recorded sound; but even the living performance did not achieve the shimmering splendor of refined sonority that Koussevitzky produced with the Boston Symphony in the piece. What Toscanini took enormous pains to achieve, rather, was clarity of the texture that is usually blurred—in accordance with the basic principle on which he operates, that whatever is printed in the score must be heard distinctly in the performance. And this extraordinary clarity the recording does reproduce. Coupled with the Ravel, absurdly, is Beethoven's "Leonore" No. 3.

I have listened to the long-play dubbings of the previously issued Toscanini recordings of Schubert's C major Symphony, Tchaikovsky's "Pathétique," and Berlioz's and Tchaikovsky's "Romeo and Juliet" (the two coupled on one record), and have found that the sound is good but less open and spacious and resonantly live than that of the original 78 rpm recordings. Changes of volume and treble settings are necessary in various portions of the works; and surfaces are audible, as in fact they are on most of the long-play records.

# LETTERS TO THE EDITORS

## Unfortunate Choice

[On June 6 the Board of Superintendents of New York City issued a statement in support of its decision to exclude *The Nation* from the city's public schools for the third successive year. This statement contained the charge that two years after Paul Blanshard's famous series of articles on the Roman Catholic church had ended, *The Nation* continued to print "various articles . . . which belittle and ridicule religious beliefs." Furthermore, the board said, "throughout its issues there is a tone which not only cheapens religious beliefs but casts doubt upon Christianity itself." The board then offered four specific examples indicating "this tendency." The first was a line from a poem entitled Writers' Conference, by William Stafford, which appeared in the issue of May 6. The poem was one of several included by Rolfe Humphries in an essay on summer writing conferences. Mr. Stafford had been directed with other workshop members to "take a walk around the vicinity and report back" in verse on what he had observed. Mr. Stafford saw a sign reading "Reserved for Veteran Amputee" and wrote a poem about it. The line the board found objectionable went, "Jesus Christ was here, and I told him, 'Listen, Jeez . . .'" When Mr. Humphries learned last week that the board believes this line to be "an offense to all who consider the name of Jesus Christ sacred" and that it thinks "language of this sort not only affronts Christian youth but also cheapens their religion in the eyes of their fellow-students," he wrote the following open letter in reply.—EDITORS THE NATION.]

*Dear Sirs:* I am shocked to learn that Superintendent Jansen has cited one line from William Stafford's poem, wrenched from context, as evidence of *The Nation's* tendency to cast ridicule on religious matters.

Mr. Stafford's poem, it seemed to me, was a truly religious one, so much so that I felt some hesitancy about including it in an exhibit of workshop material, done, most of it, overnight, and with no pretensions to high art or great seriousness. (Though, even there, Superintendent Jansen, had he cared to, might have noticed religious implications in the poem by Miss Theilgaard included in the same essay.)

The message of Mr. Stafford's poem was the notice, then the rebuke, of a certain obnoxious kind of pushing vulgarity and coarseness, rather common in our *mores*; and not only rebuke, but with the introduction of Christ in the last stanza, understanding, and forgiveness. We are all, Mr. Stafford's poem reminds us, veteran amputees in this world of evil, but we have, through Christ's mercy, the possibility of blessedness of heart.

Which might be applied, in the case of this unhappy controversy between *The Nation* and the New York schools, to learning to pray, both sides, for the grace to forgive each other our trespasses. ROLFE HUMPHRIES

Belvidere, N. J., June 26

## Blanshard's Omissions

*Dear Sirs: The Nation* and Paul Blanshard are to be congratulated on their courage in revealing [in the issue of May 27] some unpleasant facts about church-state relationships in Israel. The popular thing to do these days in New York is to shout at the top of one's lungs unqualified praise for the new state. *The Nation* has performed a greater service than it may realize by raising the curtain, if only a little, on an aspect of life in Israel which has been a source of bewilderment and pain to many Jewish liberals for the past two years.

But while Mr. Blanshard describes some of the curiosities and evils of the rabbinical rules pertaining to diet, Sabbath rest, and control of marriages, divorces, and family life, he fails to mention many other facts which are far more dangerous. Permit me to cite just a few of his more serious errors and omissions.

In the first place, Mr. Blanshard does not bring out the fact that no Jewish religious group but the Orthodox has official government recognition, and that all groups lacking such recognition are the victims of discrimination. A Jew in Israel who happens to belong to the liberal Reform Synagogue or to the Conservative Synagogue has not the religious rights of the Orthodox Jew. No liberal rabbi is authorized to perform a marriage ceremony. Liberal Jews

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:e not allowed to worship in their own ay and are not even permitted to have ieir own synagogues unless these con- ɔrm to the Orthodox pattern. There is ɔ synagogue in Israel where men and omen can pray together as so many beral Jews do the world over. Prayers ı any language but Hebrew are for- idden. While the various Christian nd Moslem sects in Israel have full quality with Orthodox Judaism, liberal ews are treated with contempt and umiliation.

Nor does Mr. Blanshard report the act that the political influence of the eligious bloc is being used to keep amilies of mixed marriages out of Is- ael and that such families are often plit up on the ground that Israel is rimarily a place of immigration for ews; non-Jews who wish to be ad- nitted must qualify under the immigra- ion laws, which means a wait of many ears.

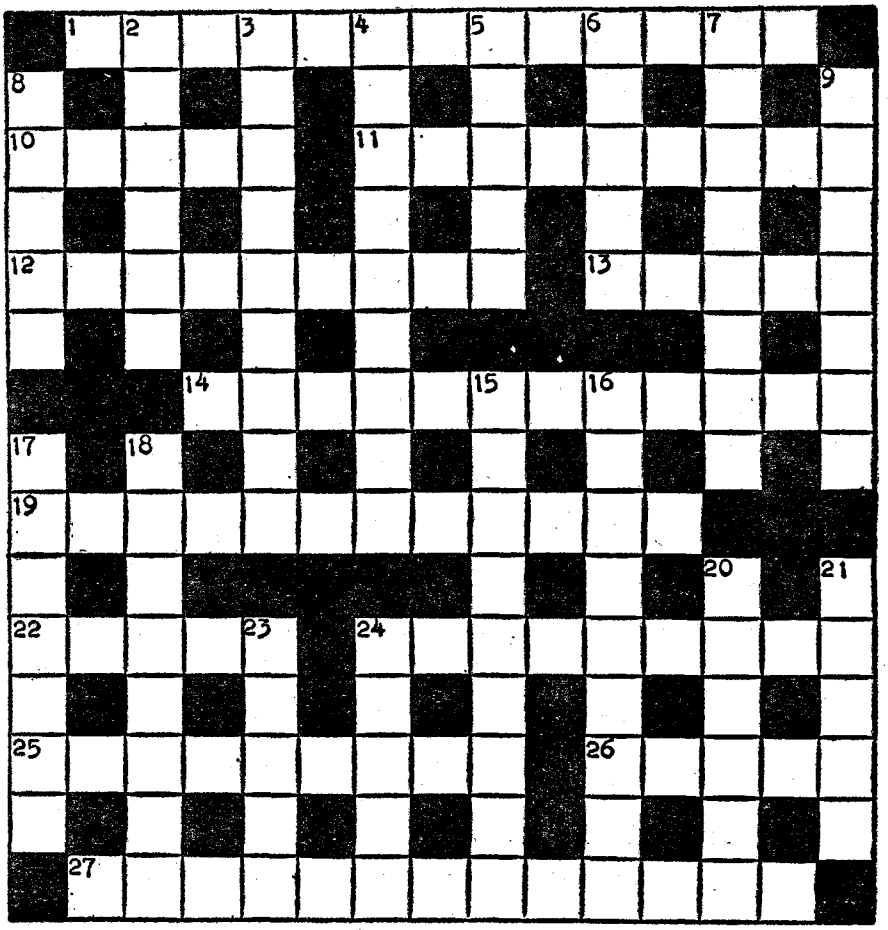
Indeed, Mr. Blanshard overlooks the nost important aspect of the situation: iamely, that for the first time in two housand years Jewish religion in its Orthodox form has become a state in- titution, with a rabbi as Minister of Religion and three other representatives ɔf the religious bloc as Cabinet minis- ers. Rabbis are state officials paid by he government and endowed with ɔolice power to impose Torah laws on ı people which, in its overwhelming najority, does not believe in them.

Mr. Blanshard concludes with these reassuring words: "My own feeling ibout these narrow applications of re- igious dogma is that they are not to be aken too seriously and that growing enlightenment will rapidly eliminate hem." This dangerous theory is belied ɔy the facts of the past two years. Any- ɔne who has followed events in Israel since the religious bloc became part of he government knows that the clerical- sts, who were formerly an insignificant force in the community, have become so powerful that they have succeeded in making Orthodox education compulsory for all children in the immigrant camps, even though many of the children's par- ents do not want it.

If the clericalists continue in power a few more years, it will become im- possible to dislodge them for genera- tions. To depend on "growing enlight- enment" to eliminate this threat makes as little sense as to expect any es- tablished tyranny to be overthrown by "growing enlightenment." The state of Israel is already in considerable danger of theocratization, and American non-

# Crossword Puzzle No. 369

BY FRANK W. LEWIS



## ACROSS

1 Inefficiency of the new cars? (13)
10 One of the poor things which are short and simple. (5)
11 You'll seldom catch him napping! (9)
12 My servant, and yours, if you go to church regularly. (9)
13 The duty of restriction. (5)
14 Black Maria? (7, 5)
19 What suits the taste of Brahmins? Serge suits! (12)
22 A few measures for the organ? (5)
24 Too highly governed? (9)
25 Make a charge on the harbor! (9)
26 Philo and I leave the bookworm for the book. (5)
27 Very intent lad, unintentionally disturbed. (13)

## DOWN

2 The son is sometimes comparable to a long day. (6)
3 Strains at trifles. (9)
4 The love potion, perhaps, in *Tristan.* (9)
5 She and the Deity were found in play. (5)
6 Tom, Dick, and Harry, for example. (5)
7 Ailing with this? It takes over the bounding main. (8)
8 Grub of an unpopular variety. (5)
9 A liquid sound to a pilot! (7)
15 The cop may be; one like 19 must be. (2, 3, 4)
16 How Christopher's mother gets him up with a flower? (4-5)
17 A varied Yak wags a place in the same territory as 25. (7)
18 Party, not concerning the lodge man. (8)
20 Earthy type of warfare? (6)
21 This German flyer is both a harmonica player and a clown. (5)
23 Is the virago's temperature down? (5)
24 Red or orange. (5)

— ✠ —

### SOLUTION TO PUZZLE No. 368

ACROSS:—1 TOPGALLANT; 6 DIVA; 10 ANGUISH; 11 MONITOR; 13 OVERWEIGHT; 15 CASTILE; 16 LAMPREY; 17 FLORIDA; 20 MANACLE; 22 INTENTIONS; 23 FRET; 25 EMPORIA; 26 RISIBLE; 27 SASH; 28 POWDER PUFF.

DOWN:—1 TRAFFIC OFFICERS; 2 PEGASUS; 3 AVID; 4 LE HAVRE; 5 NUMERAL; 7 INTEGER; 8 and 12 A PRETTY KETTLE OF FISH; 9 UNDERMINE; 14 VISIONARY; 18 OCTOPUS; 19 AGITATO; 20 MANFRED; 21 CARIBOU; 24 YSER.

Readers are invited to send for a free copy of Mr. Lewis's "ground rules." Address requests to Puzzle Dept., The Nation, 20 Vesey Street, New York 7, New York.

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Jewish liberals have a great share in this. It is to be hoped that now that they have learned at least some of the facts, they will not take them too lightly.

WILLIAM ZUKERMAN,
Editor, *Jewish Newsletter*
New York, May 30

## Practical Optimism

*Dear Sirs:* I think Mr. Zukerman has made a real contribution by bringing out several points which I did not have space to cover. An article for *The Nation* is not a book, and I was writing only a modest introduction to the subject. I had to choose between discussing the important school situation and the discriminations against liberal Jews. In fairness to the government of Israel, it should be pointed out that many of these discriminations are not original sins but established practices in favor of Orthodoxy developed under the Palestine mandate and inherited more or less unwillingly by the present regime. Under the mandate the Orthodox rabbis and Orthodox courts had a virtual monopoly in the field of Jewish rites, and Ben-Gurion, in making his unfortunate but necessary deal with the Orthodox bloc, was compelled to accept this monopoly temporarily along with the rest of the religious status quo in order to stay in power. Perhaps he was wrong, but I am inclined to think he did the practical thing in a critical situation. I do not like the arrangement any more than Mr. Zukerman does, but I am a little more optimistic than he about the future. I was so inspired by what I saw in Israel that I came away feeling that Jewish enlightenment can conquer any obstacle.

Meanwhile, one point made by Mr. Zukerman disturbs me. Is it true that discrimination against liberal Jews in Israel goes so far that they are not allowed to worship in their own way or use any language but Hebrew in prayers? I saw no evidence to support this claim, and I heard many denials that this represented government policy. If it is true, it should be thoroughly ventilated and roundly condemned.

PAUL BLANSHARD
Rome, June 14

## Keeping Them Separate

*Dear Sirs:* Congratulations for the very fine issue of May 27, especially the two superlative articles, Paul Robeson—Made in America, by Earl Schenck Miers, and Israel: Church and State, by Paul Blanshard. Mr. Blanshard's piece makes the charge of anti-Catholicism attributed to him and *The Nation* seem more ridiculous than ever. I suppose some people will now accuse him of being anti-Semitic. The truth, of course, is that Mr. Blanshard—like our Founding Fathers—believes that no religious group should take over functions which belong to the government.

BERNARD SINSHEIMER
Hollywood, Cal., June 12

## The Good Life

*Dear Sirs: The Nation* has been taken in my family for many years, first by my sister and since her death by myself. We both spent our little girlhood, 1871 to 1877, in a frontier army fort in northern Minnesota, about 120 miles up the Mississippi River from St. Paul. The post was off the railroad and reached by a long drive in an army wagon drawn by four mules. Later the Northern Pacific Railroad reached Brainard, eighteen miles away.

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"modern improvements." From there we went to the extreme south of Texas, Fort Brown, twenty-five miles above the mouth of the Rio Grande, and so on through Kansas to the extreme north of Montana, which was reached by steamers on the upper Missouri and four mules again.

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But we missed most of the hardships of civilization. Primitive problems are easier to solve. MARY M. PARMELEE
Buffalo, Wyo., June 10

## An Exception

*Dear Sirs:* There is one misstatement of fact in your editorial, Jim Crow Doomed, in *The Nation* for June 17. It is this: " . . . there is not a single Negro medical school in the South." I call your attention to Meharry Medical College in Nashville, Tennessee, and—if you consider Washington, D. C., a Southern city—to Howard University Medical School. MRS. PHILIP LIVINGSTON
Chattanooga, Tenn., June 20

## *CONTRIBUTORS*

F. W. DUPEE, a member of the English Department at Columbia University, is working on a critical biography of Henry James.

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